

THE TRIALS

OF

Sir GEORGE WAKEMAN *Baronet.*

WILLIAM MARSHALL,
WILLIAM RUMLEY, *and* } *Benedictine Monks.*
JAMES CORKER, }

FOR

HIGHTREASON.

FOR

Conspiring the Death

OF THE

KING.

SUBVERSION of the

GOVERNMENT.

AND

Protestant Religion.

At the Sessions in the *Old-Baily*, holden for *LONDON*
and *MIDDLESEX*, on *Fryday* the 18th of *July* 1679.

Published by Authority.

LONDON,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

15
THE
T R Y A L S

OF

Sir GEORGE WAKEMAN *Barronet.*

WILLIAM MARSHALL,
WILLIAM RUMLEY, *and* } *Benedictine Monks.*
JAMES CORKER, }

FOR

HIGH TREASON,

FOR

Conspiring the Death

OF THE

K I N G,

SUBVERSION of the

GOVERNMENT,

AND

Protestant Religion.

At the Sessions in the *Old-Baily*, holden for *L O N D O N*
and *M I D D L E S E X*, on *Fryday* the 18th of *July* 1679.

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

15
THE
T R Y A L S

OF

Sir GEORGE WAKEMAN *Baronet.*

WILLIAM MARSHALL,
WILLIAM RUMLEY, *and* } *Benedictine Monks.*
JAMES CORKER, }

FOR

HIGH TREASON,

FOR

Conspiring the Death

OF THE

K I N G,

SUBVERSION of the

GOVERNMENT,

AND

Protestant Religion.

At the Sessions in the *Old-Baily*, holden for *L O N D O N*
and *M I D D L E S E X*, on *Fryday* the 18th of *July* 1679.

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

15
THE
T R Y A L S

OF

Sir GEORGE WAKEMAN *Barronet.*

WILLIAM MARSHALL,
WILLIAM RUMLEY, *and* } *Benedictine Monks.*
JAMES CORKER, }

FOR

HIGH TREASON.

FOR

Conspiring the Death

OF THE

K I N G.

SUBVERSION of the

GOVERNMENT.

AND

Protestant Religion.

At the Sessions in the *Old-Baily*, holden for *L O N D O N*
and *M I D D L E S E X*, on *Fryday* the 18th of *July* 1679.

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

15
THE
T R Y A L S

OF

Sir GEORGE WAKEMAN *Barronet.*

WILLIAM MARSHALL,
WILLIAM RUMLEY, *and* *Benedictine Monks.*
JAMES CORKER,

FOR

HIGH TREASON,

FOR

Conspiring the Death

OF THE

K I N G.

SUBVERSION of the

GOVERNMENT,

AND

Protestant Religion.

At the Sessions in the *Old-Baily*, holden for *L O N D O N*
and *M I D D L E S E X*, on *Fryday* the 18th of *July* 1679.

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

15
THE
T R Y A L S

OF

Sir GEORGE WAKEMAN *Barronet.*

WILLIAM MARSHALL,
WILLIAM RUMLEY, *and* } *Benedictine Monks.*
JAMES CORKER, }

FOR

HIGH TREASON,

FOR

Conspiring the Death

OF THE

K I N G,

SUBVERSION of the

GOVERNMENT,

AND

Protestant Religion.

At the Sessions in the *Old-Baily*, holden for *L O N D O N*
and *M I D D L E S E X*, on *Fryday* the 18th of *July* 1679.

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

15
THE
T R Y A L S

OF

Sir GEORGE WAKEMAN *Barronet.*

WILLIAM MARSHALL,
WILLIAM RUMLEY, *and* } *Benedictine Monks.*
JAMES CORKER, }

FOR

HIGH TREASON.

FOR

Conspiring the Death

OF THE

K I N G.

SUBVERSION of the

GOVERNMENT.

AND

Protestant Religion.

At the Sessions in the *Old-Baily*, holden for *L O N D O N*
and *M I D D L E S E X*, on *Fryday* the 18th of *July* 1679.

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

15
THE
T R Y A L S

OF

Sir GEORGE WAKEMAN *Barronet.*

WILLIAM MARSHALL,
WILLIAM RUMLEY, *and* } *Benedictine Monks.*
JAMES CORKER, }

FOR

HIGH TREASON,

FOR

Conspiring the Death

OF THE

K I N G,

SUBVERSION of the

GOVERNMENT,

AND

Protestant Religion.

At the Sessions in the *Old-Baily*, holden for *L O N D O N*
and *M I D D L E S E X*, on *Fryday* the 18th of *July* 1679.

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

THE
TRIALS

OF
SIR GEORGE WAKEMAN BARTON,
WILLIAM MARSHALL,
WILLIAM RUMLEY, AND
JAMES CORKER,

FOR
HIGH TREASON

FOR
Conspiring the Death

OF THE
KING

SUBVERSION of the
GOVERNMENT

AND
Protestant Religion.

At the Sessions in the Old-Baili, holden for LONDON
and MIDDLESEX, on Friday the 18th of July 1679.

Published by Authority.

LONDON,
Printed for H. Hills, T. Parkhurst, J. Starkey, D. Newman,
T. Cockeril, and T. Simmons. 1679.

T H E T R Y A L S, &c.

Upon Fryday the 18th of July, 1679. at the Sessions-House in the Old-Bayley, London, the Court being met, and Proclamation made for Attendance. The Tryals proceeded thus.

Set Sir George Wakeman, William Marshall, and William Cl. of Cr. Rumley to the Bar.
Sir George Wakeman, hold up thy hand, which he did.
 (And so of the other two.)

You stand indicted by the names of Sir George Wakeman, late of the Parish of St. Giles in the Fields, in the County of Middl. Barr. William Marshall of the same Parish and County Gent. and William Rumley of the same Parish and County Gent.

For that you as false Traitors against the most Illustrious, Serene and most Excellent Prince Charles the Second, by the Grace of God, of England, Scotland, France, and Ireland King, Defender of the Faith, &c. your Supream and Natural Lord; the fear of God in your hearts not having, nor weighing the duty of your Allegiance, but being moved and seduced by the instigation of the Devil, and the Cordial love, true, due and natural obedience which true and faithful Subjects of our said Sovereign Lord the King do, and of right ought to bear towards him, our said Sovereign Lord the King, utterly withdrawing and endeavouring, and intending with all your strength the Peace and common Tranquility of this Kingdom of England to disturb, and the true Worship of God within this Kingdom of England used, and by the Laws of the same Established, to overthrow, and the Government of this Realm to subvert, and Sedition and Rebellion within this Kingdom of England to move, stir up and procure, and the cordial love, true, due and natural obedience which true and faithful Subjects of our said Sovereign Lord the King, ought and of right are bound to bear towards him, our said Sovereign Lord the King, wholly to withdraw, put out and extinguish, and Him our said Sovereign Lord the King to death and final destruction to bring and put, you the said Sir George Wakeman, William Marshall and William Rumley the 30th day of August, in the 30th year of the Reign of our said Sovereign Lord King Charles the Second, at the Parish of St. Giles in the Fields aforesaid, in the County aforesaid, Falsly, maliciously, subtilly, advisedly, and traitterously did purpose, compass, imagin and intend Sedition, and Rebellion within this Kingdom of England, to move, stir up and procure; and miserable slaughter among the Subjects of our said Sovereign Lord the King to cause and procure, and our said Sovereign Lord the King from his Royal State, Title, Power and Government of his said Kingdom of England whol-

ly to deprive, depose, cast down and disinherit, and Him our said Sovereign Lord the King to death and final destruction to bring and put, and the Government of this Kingdom of England & the sincere Religion of God within the same rightly and by the Laws of the same established, at your will and pleasure to change and alter; and the State of this whole Kingdom of England, through all its Parts well instituted and ordained wholly to subvert and destroy; and War against our said Sovereign Lord the King within this Kingdom of England to levy; and to accomplish and fulfill those your most wicked Treasons, and traitorous Imaginations and Purposes, You the said Sir George Wakeman, Will. Marshall and Will. Rumley, and other false Traitors unknown, the aforesaid 30th day of August with Force and Arms at the Parish aforesaid, in the County aforesaid, maliciously, subtilly, advisedly and traiterously did assemble, unite, and gather your selves together; and then and there falsely, maliciously, subtilly, advisedly, devillishly and traiterously did consult, consent and agree; our said Sovereign Lord the King to death and final destruction to bring and put; and the Religion within this Kingdom of England rightly and by the Laws of the same established, to change and alter to the Superstition of the Church of Rome; and to move, procure and perswade them the said William Marshall, William Rumley and other false Traitors unknown the agreement aforesaid, to fulfill and accomplish; You the said Sir George Wakeman after, to wit, the said 30th day of August in the Parish aforesaid, in the County aforesaid, to them the said William Marshall, William Rumley and other false Traitors unknown, did traiterously promise to give your Assistance the Government of this Kingdom to subvert, and the True Worship of God in this Realm rightly and by the Laws thereof established and used to the Superstition of the Church of Rome to alter: And that you the said Sir George Wakeman then and there falsely, maliciously, subtilly, advisedly, devillishly and traiterously did undertake to kill and murder our said Sovereign Lord the King: and in further prosecution of the Treasons, traitorous Conspiracies, Intentions and Agreements aforesaid, You the said Sir George Wakeman the said 30th day of August at the Parish aforesaid, in the County aforesaid, falsely, traiterously and against the Duty of your Allegiance, did receive and had (from a certain Person unknown, pretending to be Provincial of the Jesuits in England, and claiming Authority for the Granting Commissions in that Part from the See of Rome,) one Commission to institute and authorize you the said Sir George Wakeman to be Physitian General of the Army, to be raised for the waging War against our said Sovereign Lord the King within this Kingdom of England, and the same Commission then and there falsely, advisedly, maliciously and traiterously did inspect and read over, and traiterously did keep in your possession, and to the same falsely, knowingly, advisedly and traiterously did consent and agree, with that Intention, that you the said Sir George Wakeman should have, receive and exercise the Place and Office of Physitian General of the Army aforesaid, when you the said Sir George Wakeman, William Marshall, William Rumley and the said other false Traitors unknown, should have performed and accomplished your Treasons, Compassings, Imaginations, Purposes and traitorous Agreements aforesaid. And that you the said William Marshall and William Rumley in further prosecution of your Treasons, traitorous Conspiracies, Intentions and Agreements aforesaid, the said 30th day of August in the Parish aforesaid, in the County aforesaid, did falsely, subtilly and traiterously consult, conclude, consent and agree that you the said William Marshall, William Rumley and other false Traitors unknown should pay the Sum of 6000*l.* towards furthering and consummating the Traiterous Agreements

ments aforesaid, amongst the said false Traitors had, our said Sovereign Lord the King to kill and murther, the true Worship of God within this Realm rightly and by the Laws of the same established, to the Superstition of the Church of Rome to alter, and the Government of this Kingdom of England to subvert, against the duty of your Allegiance, against the Peace of our said Sovereign Lord the King, his Crown and Dignity, and against the form of the Statute in this case made and provided.

Cl. of Cr. How say'st thou Sir George Wakeman, art thou guilty of this High-Treason whereof thou standest Indicted, or not guilty?

Sir George Wakeman. Not Guilty.

Cl. of Cr. Culprit, how wilt thou be tried?

Sir George Wakeman. By God and my Countrey.

Cl. of Cr. God send thee a good deliverance. (And so the other Two.)

Cl. of Cr. Set James Corker to the Bar, (who was arraigned and pleaded the last Sessions.) *James Corker*, hold up thy hand. You the Prisoners at the Bar, *Sir George Wakeman, William Rumley, William Marshall* and *James Corker*, Those Men that you shall hear called and personally appear, are to pass between our Sovereign Lord the King and you upon tryal of your several Lives and Deaths; If therefore, you or any of you will challenge them, or any of them, your time is to speak unto them as they come to the Book to be sworn, and before they be sworn. Call *Ralph Hawtrey Esq;* who appeared, and there being no Challenges, the 12 that were Sworn are as follows.

JURY.

Ralph Hawtrey of Rislipp Esquire.

Henry Hawley of New Brantford Esquire.

Henry Hodges of Hanwell Esquire.

Richard Downton of Isleworth Esquire.

John Bathurst of Edmuntton Esquire.

Robert Hampton of Greenford Esquire.

William Heydon of Greenford Esquire.

John Baldwyn of Hillingdon Esquire.

Richard Dobbins of Harvile Esquire.

William Avery of Enfield Esquire.

Richard White of Cripplegate Gent.

William Wayte of St. Clement Danes Gent.

Cl. of Cr. Cryer count these. *Ralph Hawtrey.*

Cryer. One, &c.

Cl. of Cr. *Richard White.*

Cryer. Twelve good men and True, stand together and hear your Evidence.

Then the usual Proclamation for Information was made, and the Prisoners being bid to bold up their hands, the Clerk of the Crown charged the Jury with them thus.

Cl. of Cr. You of the Jury, look upon the Prisoners, and hearken to their Cause. They stand indicted by the names of (prout in the Indictment mutatis mutandis) and against the form of the Statute in that case made and provided: And he the said James Corker, stands indicted by the name of James Corker of the Parish of St. Giles in the Fields, in the County of Middlesex Clerk;

For that he with Thomas White, John Fenwick, William Harcourt, John Gavan, and Anthony Turner, as a false Traitor against the most Illustrious, most Serene, and most Excellent Prince, Charles the Second, by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. his Supream and Natural Lord; not having the fear of God in his heart, nor weighing the Duty of his Allegiance, but being moved and seduced by the instigation of the Devil, the Cordial love, true, due, and natural Obedience, which true and faithful Subjects of our said Sovereign Lord the King, towards him should, and of right ought to bear, wholly withdrawing; and devising, and withall his Strength, intending the Peace and common Tranquility of this Realm to disturb, and the true Worship of God within this Kingdom of England used, and by the Law Established, to overthrow, and the Government of this Realm to Subvert, and Sedition and Rebellion within this Kingdom of England, to move, stir up and procure, and the Cordial love, and true, and due Obedience, which true and faithful Subjects of our said Sovereign Lord the King, towards him should, and of right ought to bear, utterly to withdraw, put out, and extinguish, and our said Sovereign Lord the King to Death and final Destruction to bring, and put, on the four and twentieth day of April, in the thirtieth year of the Reign of our said Sovereign Lord, King Charles the Second, at the Parish of St. Giles in the Fields, in the County of Middlesex aforesaid; He the said James Corker, together with the said Thomas White, John Fenwick, William Harcourt, John Gavan, and Anthony Turner, with diverse other false Traitors Subjects of our said Sovereign Lord the King, to the Furors unknown, falsely, subtilly, advisedly, maliciously, and traitterously, did purpose, compass, imagine, and intend Sedition and Rebellion within this Kingdom of England, to move, stir up, and procure, and a miserable Slaughter among the Subjects of our said Sovereign Lord the King, to procure, and cause, and our said Sovereign Lord the King, of his Kingly State, Title, Power and Government of his said Kingdom of England, utterly to deprive, depose, cast down, and disinherit, and him our said Sovereign Lord the King, to Death and final Destruction, to bring, and put, and the Government of this Kingdom of England, and the Sincere Religion of God within the same, rightly, and by the Laws of the same Established, at his will and pleasure, to change and alter, and the State of this whole Kingdom of England, through all its parts well instituted and ordained, wholly to subvert, and destroy, and War, within this Kingdom of England, against our said Sovereign Lord the King, to levy: And to accomplish, and fulfill

fill their said most wicked Treasons and Traiterous imaginations and purposes ; He the said James Corker, together with the said Thomas White, John Fenwick, William Harcourt, John Gavan, and Anthony Turner, and other False Traitors against our said Sovereign Lord the King, to the Jurors unknown, the said four and twentieth day of April, with Force and Arms, &c. in the Parish aforesaid, and County aforesaid, falsely, maliciously, subtilly, advisedly, devillishly, and traiterously, did assemble, unite and gather together, and then and there, falsely, maliciously, subtilly, advisedly, devillishly, and traiterously, did consult, consent, and agree, our said Sovereign Lord the King, to Death and final Destruction, to bring and put, and the Religion of this Kingdom of England, rightly, and by the Laws of the same Established, to the Superstition of the Romish Church, to change and alter, and the Government of this Kingdom of England, to Subvert ; and that one Thomas Pickering, and one John Grove, should kill and murder our said Sovereign Lord the King, and that he the said James Corker, together with the said Thomas White, John Fenwick, William Harcourt, John Gavan, and Anthony Turner, and other False Traitors, against our said Sovereign Lord the King, to the Jurors unknown, should therefore say, celebrate, and perform, a certain number of Masses, then and there amongst themselves agreed on, for the Soul of the said Thomas Pickering, and for that Cause, should pay to the said John Grove, a certain sum of Money, then and there amongst themselves agreed on ; and that he the said James Corker, together with the said Thomas White, John Fenwick, William Harcourt, John Gavan, and Anthony Turner, and other False Traitors to the Jurors unknown, in further prosecution of the Treasons and Traiterous Consultations and Agreements aforesaid ; afterwards the said Four and twentieth day of April, at the Parish aforesaid, in the County aforesaid, falsely, subtilly, advisedly, maliciously, devillishly, and traiterously, did severally each to the other engage themselves, and upon the Sacrament Traiterously did swear and promise, to conceal, and not to divulge the said most wicked Treasons, and Traiterous Compassings, Consultations, and Purposes aforesaid amongst themselves, had Traiterously to kill and murder our said Sovereign Lord the King, and to introduce the Romish Religion within this Kingdom of England, and the true reformed Religion within this Realm, rightly, and by the Laws of the same Established, to alter and change : and that he the said James Corker, together with the said Thomas White, John Fenwick, William Harcourt, John Gavan, and Anthony Turner, and other False Traitors to the Jurors unknown, in further prosecution of their said Treasons and Traiterous intentions, and agreements aforesaid, afterwards the said Four and twentieth day of April, at the Parish aforesaid, in the County aforesaid, falsely, subtilly, advisedly, maliciously, devillishly, and Traiterously, did prepare, perswade, excite, abet, comfort, and counsel, four other Persons to the Jurors unknown, Subjects of our said Sovereign Lord the King, Traiterously our said Sovereign Lord the King, to kill and murder, against the Duty of his Allegiance, against the Peace of our Sovereign the King, his Crown and Dignity, and against the form of the Statute in that Case, made and provided.

Upon these several Indictments they have been Arraigned, and thereunto have severally pleaded, Not Guilty, and for their Trial put themselves

selves on God and their Countrey, which Countrey are you. Your Charge is to enquire, whether they be Guilty of the High-Treason whereof they indicted, in manner and form as they stand indicted, or not Guilty, &c.

Then Edward Ward Esq; of Council for the King in this Cause, opened the Indictment thus.

Mr. *Ward*. May it please your Lordship, and you Gentlemen of the Jury. Sir *George Wakeman* Bar. *William Marshal*, and *William Rumley*, the Prisoners at the Bar stand indicted; for that they as false Traitors against our Sovereign Lord King *Charles* the Second, their Supream and Natural Lord, not having the fear of God before their eyes; did Traiterously endeavour and intend with all their strength the Peace and Tranquility of this Kingdom of *England*, to disturb, and the Worship of God in the same rightly, and by the Laws of the same Established, and the Government of the Kingdom in all its parts well instituted and ordered, to subvert and overthrow, and Sedition and Rebellion within the same, to move and procure, and to bring and put the King to death and final destruction; and to that purpose the 30th. of *August*, in the 30th. year of the King that now is, they did falsly, maliciously, subtilly, advisedly, and traiterously compass, imagine, intend, and devise, those things that I have enumerated to you; that is Sedition and Rebellion in the Kingdom to move, the Peace and Tranquility of the same to disturb, the Worship of God to overthrow, and the King from his Royal State, Title, Power, and Government, wholly to depose, and to put the King to death and final destruction, and the Religion at their wills and pleasures to alter, and to introduce the *Romish* Superstition, and War within the Kingdom to levy against our Sovereign Lord the King. And to accomplish these Treasons and purposes, they the Prisoners at the Bar, with other false Traitors unknown, the day and year before mentioned, did assemble and meet together, and did then and there consent and agree to put the King to death and final destruction. And to perswade *Marshal*, and *Rumley*, to these Treasons, the said Sir *George Wakeman* promised his assistance; first, to subvert the Government, and then to alter the Religion to the *Romish* Superstition, and Traiterously undertook to kill the King: and he did receive for that purpose, from the pretended Provincial of the Jesuits in *England*, (who claimed an Authority from the *See of Rome*, of granting out Commissions) a Commission which constituted him Physician General of the Army; which Army was to be raised for the levying of War against the King, and the Subversion of the Government and Religion: That he read this Commission, that he kept it in his possession, that he consented to it, accepted it, and intended to execute the Employment, when their Designs were accomplished. The Indictment further sets forth, that *Marshal*, and *Rumley*, and other false Traitors, agreed to pay the sum of 6000 *l.* for the carrying on and effecting of this Treason; and this is laid, to be against the Duty of their Allegiance, against the Kings Peace, Crown and Dignity, and against the form of the Statute. To this Indictment, they have pleaded, Not Guilty; if we make out these Crimes against them or any of them, you are to find them Guilty.

There is also another indicted, that is *James Corker*; For that he as a false Traitor against the King, and withdrawing his Allegiance, and
due

due and natural Obedience, which he owed to him, as his Sovereign, together with other Persons there mention'd, *White, Fenwick, Harcourt, Gavan, and Turner*, did intend to overthrow the Religion, to subvert the Government, and to do all those Treasons that I have here enumerated, and that they did the 24th. of *April*, in the 30th. year of this King, at the Parish of *St. Giles in the Fields* in your County, compass and imagin the Kings death, levying of War, and those other Things and in order thereunto, they did contrive that *Pickering* and *Grove* should kill the King, and that *Corker* and the Others should say Masses for the Soul of *Pickering*, and should pay *Grove* a sum of Money. That to this they plighted their Faith and received the Sacrament upon it : And that *Corker* and the others the Day and Year aforesaid, traiterously perswaded, excited and abetted Four other persons to murder the King. To this he hath pleaded not Guilty, if we prove him Guilty of any of these things, we hope you will find it so.

Then Sir Robert Sawyer one of the Kings learned Council in the Law, opened the Charge thus.

Sir Robert Sawyer. My Lord, and you Gentlemen of the Jury, the Prisoners at the Bar with whom you are charged, stand indicted as principal Actors and Instruments of that late most Catholick and Bloody Plot sometime since discovered, and I hope by the blessing of Almighty God in a great measure prevented. The design, Gentlemen, was against the King and the Church; both Church and State were too little a Sacrifice to be offered up to the Universal supremacy of *Rome*. They well knew, Gentlemen, that so long as God should preserve the life of our Prince, and as long as those Legal pales, wherewith the Church of *England* is encompassed, did but continue firm, neither the Gates of *Hell* nor *Rome* could prevail against it. And I wish that all Protestants were of the same mind.

I shall not enter now into any large discourse of it nor trace the several steps of this Plot, which is so well known to all men of this Nation at this day, but only touch upon those parts of it that do concern the Prisoners now at the Bar, unless they shall give me occasion to recur to any former passages. Gentlemen, we shall make proof to you, that the 24th of *April* 1678. there was a very great Consult of a numerous Company of Jesuits here in *London*; and there was the foundation laid, or at least the execution was then determined of bringing this Plot to its accomplishment. To this Consult we shall make it appear, that the Gentlemen at the Bar were privy and consenting to it. The King must die that is resolved on, and you have heard formerly of the several ways that it was to be acted; some persons were designed to shoot him, these have received their Tryal and condign punishment; then there was another Sett, and they were to stab him, and some of these have been brought to Justice too; but then there was a third Sort, (for they did invent all the Imaginable ways of Death) and that was Poysoning; and that will come principally before you at this time. And they had chosen out a very proper Instrument for it, a Gentleman whose Experience rendred him able, and whose near relation to and dependance upon the Royal Family, gave him a great opportunity to commit that Horrid crime. But Gentlemen, tho his perswasion might go a great way yet he would not do it *Gratis*, and thereupon he must be hired for a great Sum

Sum of Money not under 15000*l*, and then he undertook that great Employment.

We shall prove to you that this was his Bargain, that part of his Wages he had received, for he would be sure of something in hand before the Work were done. We shall make it appear, Gentlemen, that he was privy also to the Consult (for I apply my self at present peculiarly to him) and approved of it. And as a further Reward besides that of Money, he was to be preferred to be Physician General of the Army that was then to be raised, that Employment was designed for him, nay he accepted of the Commission as we shall endeavour to prove to you.

We shall also prove, that the other Gentlemen at the Bar, the other Malefactors that stand there, were privy to the great Consult of the Death of the King. That there was 6000*l*, which was to be furnished by the *Benedictine Monks*, for tho the Jesuits were the great Engineers yet all the other Orders were to contribute, and 6000*l*. was to be furnished by them. And in the course of our Evidence we shall give you several instances which will concern all these particular Prisoners now at the Bar ; and One truly that there was such a design of Poysoning, which is very remarkable and that was from a very great Engineer that hath suffered already, and that was Mr. *Ireland*, and wherein I must desire that you would observe another thing that falls out very materially, that though Mr. *Ireland* at the time of his Death, and all along disowned that he was here in *London* in *August*, and with great Asseverations did affirm it ; it will appear by the course of our Evidence that he was here in *London* then, and had frequently Discourses that it was an easie matter to take off the King by Poyson : And for that purpose do I mention it to you as an instance that Poyson was one of the great ways that they intended to murder the King by. And Gentlemen you will collect from that Evidence what credit is fit to be given to the Words of such Dying men, and whether living Witnesses that are upon their Oaths, are not rather to be believed then those whose concern it is for more reasons then one to perswade the People that they are innocent. And you will likewise collect, that those who have lived in the sin of committing such Horrid Crimes as these are, will not stick to protect that same Church (which they would propagate by those Crimes) by denying the plainest Truth.

We will not trouble you any further with the opening of the Evidence, because the Witnesses are many and their Testimony various, but we shall call our Witnesses and let them tell it you themselves.

Mr. *Ward*. Call Dr. *Oates*, Mr. *Bedloe*, Mr. *Dugdale*, Mr. *Jenison* and Mr. *Prance*, (who were all sworn, and Mr. *Dugdale* set up.)

Sir *Robert Sawyer*. Gentlemen, we call first Mr. *Dugdale* to give you a general account of the Plot, not so much for the proof of the things here charged particularly on the Prisoners, as the general design.

Mr. *Ward*. Pray Sir speak your knowledge of what you know concerning the Plot in general.

Mr. *Dugdale*. I have for this 7 Years known something of it, but nothing particularly till within these two Years. About two years since it was communicated to me by Mr. *Ewers*, Mr. *Gavan*, Mr. *Peters*, Mr. *Lewson*, and some other Priests which I cannot now remember their Names, and they did perswade me to be of the management of the Business, for the carrying on of the design, for the Introducing their Religion, and for the Killing of the King, and the Duke of *Monmouth* ; both those two things were commu-

communicated to me upon my Oath by Mr. *Gavan*, Mr. *Ewers*, Mr. *Peters*, Mr. *Lewson* and my Lord *Stafford*.

Mr. *Just. Atkins*. What Mr. *Gavan* that was executed you mean?

Mr. *Dugdale*. Yes, he was the Man. I have had several Pacquets of Letters which concerned the Plot. All the Letters that came from Mr. *Harcourt* or from any others concerning the Plot, were directed to me: I have had sometimes 8, sometimes 9, sometimes more Letters at a time, but I never saw any almost but they all tended to the carrying on of this Design.

Lord *Ch. Just.* Did they shew you those Letters, or did you open them?

Mr. *Dugdale*. I did open several of them, a great many, and some of them that I could not handsomely seal up again, I kept.

Lord *Ch. Just.* They did not know you opened them?

Mr. *Dugdale*. No they did not all the time.

Lord *Ch. Just.* To what purpose did they write?

Mr. *Dugdale*. My Lord, they were to give Instructions to Mr. *Ewers* how he should manage the affairs for carrying on the Design, how he must go about for the Raising of money, and for the ingaging the Gentlemen in the Countrey, as particularly Mr. *Gerard* of *Hilderson*, and Mr. *Howard* of *Horecross*, and Sir *James Simons* and one Gentleman that is dead, one Captain *Atherley* and several other Gentlemen were engaged in it, to be Officers when they had accomplished their business of Killing the King.

Sir *Robert Sawyer*. You say they were to be Officers, what were they to be military Officers? or what.

Mr. *Dugdale*. Yes they were to be military Officers.

Sir *Robert Sawyer*. Was there an Army to be raised?

Mr. *Dugdale*. Yes there was an Army spoken of to be raised.

Sir *Robert Sawyer*. By whom?

Mr. *Dugdale*. There was money ready in *July* last, for I saw Acquittances that came from St. *Omers* that the money was paid. But then there was Caution given to be sure not to make any Rumor of Arms or any thing, till the King was dispatched.

Lord *Ch. Just.* Did they write that in a Letter?

Mr. *Dugdale*. They writ that in a letter directed to me?

Lord *Ch. Just.* To you?

Mr. *Dugdale*. Yes to me.

Lord *Ch. Just.* Who writ that Letter?

Mr. *Dugdale*. My Lord, truly I cannot be certain at present who it was, but upon recollection I can, may be, remember who it was: but it contained that there should be Caution given to all, to be sure that none should mention Arms, or any thing till the King was dispatched.

Sir *Robert Sawyer*. From whence did that letter come Mr. *Dugdale*?

Mr. *Dugdale*. It came from Mr. *Harcourt* I am certain, and in Mr. *Grove's* Pacquet, but I am not certain of the Person that writ the letter, but I can recollect hereafter perhaps who it was.

Lord *Ch. Just.* Did it come from beyond-sea or London?

Mr. *Dugdale*. It came from London, but I suppose it came thither from beyond-sea.

Lord Ch. Just. The letter came to you, you say, was it dated from any place, and what?

Mr. Dugdale. I am not certain whether it was Dated from any place, there were several letters that came from all Parts, some from *St. Omers*, some from *Paris*, some from *Rome*.

Sir Robert Sawyer. Pray what do you know of any Correspondence that was between your principal Agents in *Staffordshire*, and those Conspirators here at *London*.

Mr. Dugdale. Yes, there was a Correspondence between them.

Lord Ch. Just. Between whom? Name them.

Mr. Dugdale. Betwixt *Mr. Ewers*, *Mr. Gavan*, and *Mr. Vavasor*, these were in *Staffordshire*; and betwixt *Mr. Ireland*, *Mr. Harcourt*, *Mr. Fenwick* and *Mr. Grove*, these I know.

Lord Ch. Just. Where were these last?

Mr. Dugdale. In *London* these Persons were, they did write constantly three times a Week letters into *Staffordshire* about this business.

Lord Ch. Just. But pray was there any thing mentioned in any of these letters concerning Killing the King.

Mr. Dugdale. Yes, there was.

Lord Ch. Just. Was there any thing plain of that in those letters?

Mr. Dugdale. There was in one from *Mr. Whitebread*.

Lord Ch. Just. What did that Letter say?

Mr. Dugdale. There was one from him that did give a Caution to *Mr. Ewers*, that he should be sure to choose no persons but such as were stout and hardy, or to that effect.

Lord Ch. Just. To do what?

Mr. Dugdale. To kill the King.

Lord Ch. Just. Was that expressed in the Letter?

Mr. Dugdale. Yes my Lord it was.

Lord Ch. Just. And did they write that they should choose hardy persons to kill the King? Was that the subject of it?

Mr. Dugdale. Yes my Lord it was.

Lord Ch. Just. Did it come by the common Post?

Mr. Dugdale. Yes my Lord it did, but they had devised it so, that there was care taken they should not be discovered, they would set but two letters of their Names to them and they were directed all to me, so that I was to bear all the danger.

Sir Robert Sawyer. How was the Direction? Was it directed plainly to you on the out-side?

Mr. Dugdale. Yes it was, and if it were discovered, I was sworn by *Mr. Ewers* to deny it, and then they could not be discovered.

Mr. Just. Atkins. Did they give you any Oath to that purpose?

Mr. Dugdale. Yes, I was sworn 10 times at least to Secresie, and promised it on the Sacrament,

Sir Rob. Sawyer. Besides what came in those letters, had you any discourse with any touching killing the King?

Mr. Dugdale. Yes.

Sir Robert Sawyer. With whom?

Mr. Dugdale. With *Mr. Gavan*, *Mr. Ewers*, *Mr. Lewson* and my Lord *Stafford*.

Lord Ch. Just. And would they have perswaded you to have done it?

Mr. Dugdale.

Mr. *Dugdale*. Yes, I was to have been employed as an Actor in it, either to have taken his life away, by shooting, or by stabbing, or some way.

Lord *Ch. Just.* Did they propose it to you, and how, in what manner would they have you do it?

Mr. *Dugdale*. No my Lord, I was not told absolutely in what manner; but I was directed to come to *London*, and I should have instructions about it there.

Lord *Ch. Just.* Tell us again who they were that did solicit you?

Mr. *Dugdale*. Mr. *Ewers*, Mr. *Gavan*, Mr. *Peters*, Mr. *Lewson* and my Lord *Stafford*.

Mr. *Just. Atkins.* My Lord *Stafford* you say?

Mr. *Dugdale*. Yes, I said so before, my Lord.

Lord *Ch. Just.* They engaged you in the business in General you say, and you were to have directions about it at *London*, that is that you say?

Mr. *Dugdale*. Yes my Lord, Mr. *Ireland* was to take care of me there.

Sir *Rob. Sawyer.* Pray Sir had you discourse of the several ways, what ways were to be taken.

Mr. *Dugdale*. I had no particular way mentioned, but I was told that it was easie to be done by shooting or stabbing.

Lord *Ch. Just.* Did you ever come to *London* upon that errand?

Mr. *Dugdale*. No, never.

Lord *Ch. Just.* When they had engaged you to do the thing, why did not they send you about it.

Mr. *Dugdale*. I was not to come till *October*.

Lord *Ch. Just.* When was it that you were engaged first?

Mr. *Dugdale*. I had particular intimation of the matter of the Plot about two years before, but I was not to come up till *October*.

Lord *Ch. Just.* Which *October*?

Mr. *Dugdale*. Last *October*.

Lord *Ch. Just.* Why you were engaged a great while before, how changed you were not to come up till *October*.

Mr. *Dugdale*. I was engaged a year and half before, but it was not positively then said to me, that I was to be instrumental in killing the King till that time, which was about *July*, when my Lord *Stafford* came down, and I was to come up in *October*.

Lord *Ch. Just.* I thought you had said that you were engaged in it a year and half before.

Mr. *Dugdale*. That was only in the Plot in general.

Lord *Ch. Just.* Was there no time appointed for the killing the King then? When was it that you were first engaged to be an Instrument to take away the Kings life?

Mr. *Dugdale*. Two years ago I was spoke to about the Plot, but I was not particularly assigned till the last Summer, and then I was appointed to come to *London* in *October*.

Lord *Ch. Just.* What said they then to you?

Mr. *Dugdale*. My Lord *Stafford* did offer me 500 *l*, he told me I should have that for a reward at present, and if things did go on, I should have a better reward when the thing was accomplished, but this was for my present encouragement,

Lord *Ch. Just.* When were you to have the money?

Mr. *Dugdale*. When I came to *London*.

Lord

Lord Ch. Just. And why did not you come to *London* then?

Mr. Dugdale. I was to come to *London*, and the Plot was broke out and discovered first.

Mr. Ward. Pray do you know of any letters about the Death of Sir *Edmundbury Godfrey*?

Mr. Dugdale. Yes there was a letter came down to my Lord *Astons*, it was directed to Mr. *Ewers* and it contained in it, this very night Sir *Edmundbury Godfrey* is dispatched; those were the words of the letter.

Lord Ch. Just. What night was that?

Mr. Dugdale. I have well remembered it since, and it was *Saturday* night, which was about the 12th of *Octob.* or thereabouts as I remember: it had those words, *this very night Sir Edmundbury Godfrey is dispatched*, and it went on with more things relating to the Plot which I cannot particularly now remember; and I caught Mr. *Ewers* at the Reading of it, and said I to him, do you think this is the way to have the Design succeed, if this do not overthrow the Plot I will be hang'd. Not so said he, be patient and do not mistrust it, he was a man that was used to punish Debauch'd persons, and it will rather reflect upon them than us.

Lord Ch. Just. Did that letter come to your hands?

Mr. Dugdale. Yes it did, but it was writ to Mr. *Ewers*.

Mr. Just. Atkins. What day did it come to you?

Mr. Dugdale. Upon *Monday* morning.

Mr. Just. Atkins. When was it writ?

Mr. Dugdale. It was writ the *Saturday* night before.

Lord Ch. Just. Did Mr. *Ewers* shew it you? or did you break open the letter?

Mr. Dugdale. Mr. *Ewers* shewed it me for an encouragement, that one of our Enemies was taken out of the way.

Mr. Just. Wyndham. Did you report it to any Body?

Mr. Dugdale. Yes to the Parson of the Town, and a Relation of my Lord *Astons*.

Lord Ch. Just. What was his name?

Mr. Dugdale. One Mr. *Sandwich* and Mr. *Phillips*, said I do you not hear of a Knight, a Justice of *Westminster* that is killed? no said they, we hear nothing of it, but it seems Mr. *Sandwich* went to Dinner to and there he did report it.

Lord Ch. Just. Why did they look upon Sir *Edmundbury Godfrey* as such an enemy to them?

Mr. Dugdale. They had intrusted him before, but he began to be strict with Dr. *Oates*, searching and prying into all the whole concern, as Mr. *Ewers* told me (for I knew no more then he informed me of) so they thought good to take him off.

Sir Robert Sawyer. Gentlemen, will you ask him any Questions.

Corker. I would have been glad to have heard what he said, but I could not hear the tenth part.

Sir Robert Sawyer. Gentlemen, there is nothing that does particularly reflect upon you at the Bar, but is only to prove the general design of the Plot.

Sir George Wakeman. 'Tis the worst made out that ever I think was Tryal.

Mr. Dugdale. If there be any more Questions more that your Lordship or the Court will be pleased to ask me, I will be sure to answer them.

Lord Ch. Just.

Lord Ch. Just. I will tell you the effect of what he says, and that is this; he speaks in general, that there was a Plot to bring in Popery, and in order to that, the best way was to kill the King; and to that purpose, there were several Letters sent weekly into *Staffordshire*, and very often directed by the Cover to him, wherein were 7 or 8 several Letters, as from *Ireland*, and *Harcourt*, and *Grove*, to people that were in *Staffordshire*; that is to *Ewers*, and *Lewson*, and *Vavasor*, and many times they did write concerning the going on with this Plot of killing the King, that they must use great secrecie in it, and makes mention what Officers they should have for an Army to support that matter, when they had done; they ingaged him particularly, first about two years ago to be one in it, but more percisely in *June* or *July* last was 12 Month, and he should have gone he says in *October* after up to *London*, in order to it; and there he should have directions from *Ireland*, how he should manage himself. And he gives you an accompt, that my Lord *Stafford* promised him he should have 500 *l.* as part of his reward, and when the Work was done, he should be better gratified; and he says, he did intend to have gone up in *October* to this purpose, but the Plot broke out, and he was prevented.

Sir Ro. Sawyer. Pray Mr. *Dugdale*, you have been formerly examined; did you hear any thing of a Massacre? or of any particular Persons to be murdered, besides the King and Duke of *Monmouth*?

Mr. Dugdale. I do not remember any in particular, but they two; but in general, all Protestants they intended to cut off.

Mr. Ward. All Protestants?

Mr. Dugdale. Yes.

Mr. Just. Atkins. Pray Sir, what did induce them to have so much confidence in you? Had you any such zeal for their Religion?

Mr. Dugdale. Yes, in so much that they thought I was a Priest in the Countrey.

Mr. Just. Atkins. Had you been free of your Purse? did you give them any Money?

Mr. Dugdale. Yes, I gave them for this, and for the praying for my Soul, the Sum of 400 *l.* which was secured upon a Deed of Land; and I promised them another 100 *l.* when they made moan for the want of Money. And when Mr. *Peters* said, if they did not make more hast with their Contributions, they should be at a great loss: And Mr. *Gavan* promised me, I should be Canonized for a Saint.

Lord Ch. Just. When had you given the 400 *l.*?

Mr. Dugdale. I had given it them in Money, it was upon a Deed of Land, which was conveyed to Mr. *Gerrard*, and was to be sold for the raising of that Money.

Corker. Mr. *Dugdale*, you make mention of a certain Letter sent from *London* here from Mr. *Harcourt*, but not Mr. *Harcourt's* Letter, in which Letter you say it was mentioned that the King should be killed, and that an Army should be raised, and some such matters of grand Design. Sir, don't you know from whom that Letter came, I ask you?

Mr. Dugdale. I cannot directly at present call to mind the Persons name, I may by and by perhaps.

Corker. Then my Lord, I appeal to the Court, and beg the Judgement of the Court whether a Letter of that vast concernment about killing the King, the destruction of the Nation, and the raising of an Army should be sent from a Man that he himself does not, nor can tell his name, nor the Place this letter came from. That a man should be so mad to send by the Common Post a Letter of such vast concern, and yet neither the Party to whom, nor the Party from whom it came, be remembered.

Mr. Dugdale. I can give you satisfaction as to some Letters I have received, and I can tell you in particular from whence they came. One came from *Paris* to *St. Omers*, and so from *St. Omers* to *London*, and from thence by a Special messenger to *Tixall* in *Staffordshire*; and my Lord *Aston* and Mr. *Ewers* read it one night in my sight in the Parlor.

Corker. Just now he said it was by a special Messenger, before he said, the Letters came by a common Post.

Mr. Dugdale. I speak of another letter now, then those I spake of before.

Lord Ch. Just. He did indeed say before, that there was a letter as you repeat it, that had the Importance of killing the King, but he could not particularly charge himself with the Person that writ it, but saith he, I can now remember another letter that was sent by a special Messenger, and he will tell you who that letter was writ by, and who it came from. From whom came it?

Corker. That was only to correct a former Lye.

Mr. Dugdale. There was *J.W.* writ to it, and I suppose it was from Sir *John Warner*.

Lord Ch. Just. Where was it dated? whence did it come?

Mr. Dugdale. There was one from *Paris*, it was first begun at *Paris* where Advice was first to be had, and Assistance was promised how it should be carried on, and they thought it was the best way after they had killed the King, for the Papists to give the first Alarm that it was those still King-killing Presbyterians that had done that Act, and that then the Church of *England* men would be willinger to joyn with the Papists to cut them off.

Lord Ch. Just. This was the Substance of the letter.

Mr. Dugdale. Yes, this was the Substance of the letter. And the letters from *London* said they thought it good Advice, and there were several Lords in *England* set their Hands to it, acknowledging it as good Advice: and in that very letter there was an Army mentioned, that there should be an Army ready to cut off those that should escape having their Throats cut.

Lord Ch. Just. Who brought that letter?

Mr. Dugdale. I do not know who brought it from *London* to *Boscobell*, but there was a special Messenger brought it thence to *Tixall*, and his name was — *Carrington*.

Lord Ch. Just. You say there were several Lords set their Hands to it, what Lords were they?

Mr. Dugdale. I have formerly mentioned them, there was my Lord *Stafford*, my Lord *Bellasis* and my Lord *Arundell*.

Lord Ch. Just. To what purpose did they set their Hands to it?

Mr. Dugdale.

Mr. *Dugdale*. That they approved it as good Advice.

Lord Ch. Just. Then Gentlemen, this is that he says. Here is a letter that was brought by one — *Carrington* to my Lord *Astons*, and the Substance of the letter was to justify the Killing of the King by the Raising of an Army, and that this letter came from *St. Omers*, and that it had the letters *J. W.* subscribed to it, which was supposed to be Sir *John Warner*, and that this letter was looked upon by some at *London*, and that they as approving of it, set there Hands to it as good Advice, and then sent it down into the Countrey.

Corker. Was the letter dated from *St. Omers*? Was *St. Omers* writ in the inside, what say you. Speak.

Mr. *Dugdale*. There were 3 letters I say, that came in that Pacquet from *St. Omers*; one came from *Paris*, another from *St. Omers*, and another from *London*.

Lord Ch. Just. And all these in one Cover?

Mr. *Dugdale*. Yes.

Sir *George Wakeman*. How could the same Cover cover all those letters?

Mr. *Dugdale*. All the letters were covered in *Grove's* Pacquet.

Lord Ch. Just. Here is the matter, he supposes there was a Letter writ first at *Paris*, and that is, then sent to *St. Omers*; and then there was a Letter writ there by Sir *John Warner* or some of them, and sent to *London*, and perused in *England* by the Lords, and all sent in one Cover into *Staffordshire*.

Corker. Your Lordship makes sense of it, but he made none but Contradictions, and said he did not know whence it came, nor who writ it. You say Sir, you were one of those to kill the King, pray when were you to kill the King.

Mr. *Dugdale*. In *October*, I was to have done it when I came up.

Corker. My Lord, here is a Plot and a Design driven on several ways to murder the King. Dr. *Oates* in his Narrative, as I perceive, gives us a description of several Contrivances that were made use of to commit this Murder. He in all his Description tells us only as I take it, of 3 Ways of killing the King, the one by *Grove* and *Pickering*, another by the Ruffians, I know not whom, a third was by Poyson, now Dr. *Oates* in all his Relations, makes not any mention of a fourth design to kill the King, or of any other Plot or Design at *London* to kill the King; but he says if *Grove* and *Pickering* miscarried, it was to be done by the four Ruffians, and they miscarrying it was to be done by Poyson, now comes he with a thing that never was thought of before, that *Oates* never gives any relation of.

Lord Ch. Just. What then?

Corker. He my Lord, tells us that this was to be done in *October*, when all the other things that were to be done, were past; and what, should they design to kill the King in *October*, when it was to be done before in *July* or *August*.

Lord Ch. Just. Look you the first part of your Objection, wherein you say he names but three ways of killing the King, what do you infer from that? that because this Gentleman says there was a fourth, there was not. Dr. *Oates* told you as much as he knew of the matter but he does not undertake to give you an accompt of all the Plot or Plotters in this affair. If you make any Reasonable objection against Mr. *Dugdale's* Testimony I will allow it, but these inferences I must not. That this is a strange story of Mr. *Dugdale's*, because tis not part of *Oates's* Discovery,

is that a reasonable objection? But then for the latter part, that *Dr. Oates* says the King was to have been killed in *July* or *August*, therefore what should they think of killing him in *October*, he tells you that in *June* and *July* they did engage him in the general Plot, and first then to be instrumental in killing the King, but he was not to be gone till *October* to *London* to do it.

Corker. When the thing was done.

Mr. Just. Wyndham. No, no, because the thing was not done, or because it might miscarry by others, therefore he was to come then.

Lord Ch. Just. They could not tell when it would be done, or by what hand it would be done; therefore they were engaging as many as they could, provided the thing were not done.

Marshall. Amongst other things that seem to render his Testimony suspected, there is one which is taken from the common Practice of all Men in cases of like Nature, for where there is danger in matters of Concernment, men use to be very circumspect who they choose, and make choice of as few as possible; but now here is Person after Person conspiring without end, and Letters to this Person, and to that Person, and nothing is proved to be done upon it, so that here is the greatest Confusion imaginable, an 100. of Men, nay, almost a whole Nation are acquainted with it when a few might serve the turn.

Sir Robert Sawyer. Why do you say tis known to the whole Nation, when it was so close a Conspiracy?

Lord Ch. Just. North. You that are at the Bar, we do not object to what you say as to the way of it, but as to the Time that you deliver it in, it is the Course that you deliver your Objections when the Kings Evidence is done, indeed when the Kings Counsel have done what Questions they have to ask of the Witnesses, then you may ask them what Questions you will, but for the Observations that you would make by way of Objection to the Evidence, and as to their Credit you should reserve that to the last, when the Kings Evidence is done.

Prisoners. My Lord, we desire we may be allowed Pen, Ink and Paper.

Mr. Recorder. Let them have it.

Lord Ch. Just. Indeed there is one thing very considerable on your side, and tis fit there should be an account given of it. Tis very strange that a Thing of that Nature, should be writ so plain, I mean the Killing of the King in a Letter that should be sent by the common Post, what say you to that?

Mr. Dugdale. *Mr. Ewers* did it for no other End in the world, but that they intended if it should be discovered, all should be flung upon me, and I was sworn to deny it, and they were to go free.

Lord Ch. Just. What were the words of the Letter.

Mr. Dugdale. In that of *Mr. Whitebreads* it was contained down right plainly, he should choose such as were hardy for the Killing of the King.

Lord Ch. Just. And how did that Letter come?

Mr. Dugdale. By the common Post?

Sir George Wakeman. No man living can believe it.

Mr. Just. Pemberton. There was no mention of *Ewers* on the out side, nor no name to it, was there?

Mr. Dugdale.

Mr. Dugdale. No, none at all my Lord.

Mr. Just. Pemberton. No name to the Letters?

Mr. Dugdale. Only the two first Letters of their names.

Marshall. Would they in such cases, can any man think, be so mad as to venture their lives, and all for they knew not what? Would the Lords, whose names he says were subscribed to one of the Letters, engage their Lives and Fortunes in the Signing of a Letter, wherein both were so much endangered, and commit it to such an hazard?

Rumley. Would they set their hands to such a Letter, as they could not be certain into whose hands it might come? and he says he does not know who it came from.

Mr. Just. Pemberton. *Mr. Dugdale*, was that Letter by a common Post, that the Lords set their hands too?

Mr. Dugdale. No, it was by a special Messenger.

L. C. J. Look you Gentlemen, the answer that he gives to your Objection is this; You say it is strange, and indeed it is so, that such a Design should be writ so plain in English in a Letter, but he says there was no body in danger by it, but himself, for there was no body could tell from whence it came, because only two Letters of the name were subscribed; and, says he, it was directed to me only, and so I might have suffered, but *Emers* name was not mentioned, to whom it was intended to go.

Rumley. Yet he says, he does not certainly know who it came from.

Mr. Recorder. Gentlemen you have your proper time for that, if you will make any Remarks.

Mr. Just. Pemberton. Will you ask him any more Questions? As for your Arguments you must not use them now.

L. C. J. North. But they have desired, Pen, Ink, and Paper, is it given to them?

Mr. Recorder. You must allow the Prisoners Pen, Ink, and Paper, if they desire it.

L. C. J. Ay, all of them, if they would have it.

(Which was done.)

L. C. J. *Mr. Dugdale*, this Letter that came from *Whitebread*, it came with others, did it not?

Mr. Dugdale. Yes, my Lord, it did.

L. C. J. The Cover was directed to you, was it not?

Mr. Dugdale. Yes my Lord, it was.

L. C. J. Had the other Letters particular Directions to particular Persons?

Mr. Dugdale. Every Letter was directed to me.

L. C. J. What, besides the Cover?

Mr. Dugdale. Yes, besides the Cover.

L. C. J. Who were you to communicate them to?

Mr. Dugdale. They had a particular mark that they were known by, there was allways a black Cross upon them, I was to give them to *Mr. Emers*, and he was to communicate them to others concerned.

L. C. J. What was upon the other Letters?

Mr. Dugdale. I had no Letters but what I delivered to *Emers*.

L. C. J. Was he the only man that they were delivered to?

Mr. Dugdale. Yes, my Lord.

L. C. J. And he distributed them as he pleased, did he?

Mr. Dugdale. Yes.

L. C. J. Had you more Marks than one?

Mr. Dugdale. No, my Lord, no more Marks than one.

L. C. J. So you were only Agent between *Mr. Emers* and them, and none else?

Mr. Just. Windham. They were all directed to you, how did he know who they were to go to?

Mr. Dugdale. I was to deliver them to him, and he dispersed them to the several persons, and he rid constantly abroad about it.

L. C. J. Were there several Marks to know who they were to?

Mr. Dugdale. My Lord, he knew by conversing with them, their several hands, and so could tell by what was written, what was intended, and what the business was, and for whom.

Corker. There must have been several transactions, and a man must have received several Letters before he knows anothers hand.

Mr. Just. Pemberton. Will you ask him any Questions, you must not argue upon it yet.

Rumley. How many Letters came to you pray from beyond Sea?

Mr. Dugdale. An hundred I believe in two years time.

Rumley. From how many several persons? Methinks you should produce some of those Letters.

Mr. Dugdale. There were Letters from Sir *John Warner* very often. I cannot remember all.

Rumley. Methinks you might be more ready in your Evidence, then upon every turn to say you can't remember. Have you none of those Letters?

Mr. Dugdale. I burnt those Letters which I kept before I intended to discover the Plot; but in a multitude of Letters, 'tis hard to tell particulars, I tell you what I remember of them.

Corker. You make mention of Killing the King, and raising an Army, and these were specified in two Letters. In those matters which concerned the Raising of an Army, Were there only Letters, no Commissions sent for the Raising of Forces? Did you never see any of the Officers? Did you never communicate with any of them?

L. C. J. Did you see any Commissions first?

Mr. Dugdale. No, I never did see any of them.

L. C. J. Did you ever talk with any that were intended to be Officers?

Mr. Dugdale. Yes, I have.

L. C. J. Name them.

Mr. Dugdale. There was Sir *James Symons*, and *Mr. Howard*, I have talked with them.

L. C. J. With them two?

Mr. Dugdale. And with one Captain *Adderley* that is dead.

Corker. Why there are three Officers towards the raising of several thousands of men.

Mr. Just.

Mr. Just. Pemberton. Look you, *Mr. Corker*, you must direct your self to the Court, and propose your Questions here.

Corker. *Mr. Dugdale* tells us, that for the promoting of this Design, that he gave 400 *l.* and with the same breath says, He was to receive 500 *l.* Me thinks this is to do, and undo.

Mr. Just. Dolben. Pray keep this arguing of yours till the last.

L. C. J. North. The Court hath told you already this is not proper for you. 'Tis true, you must have liberty to ask Questions, because there are some Questions that else may be forgotten, and the opportunity will be lost: but when you have asked those Questions, make your own Observations upon them in private to your selves, and afterwards it will be time for you to argue upon it to the Jury, when the Kings Council shall have done their Evidence: but now to make these Inferences, will do you little services, and can't be permitted.

Mr. Dugdale. My Lord, I desire to answer it now; It was my Lord *Stafford* that promised me the Money, and I went presently to know of *Mr. Emers* what it meant, because I had given my Money before, and my Lord *Stafford* did not, I suppose, know any thing of it.

L. C. J. How long was it before that you gave the Money?

Mr. Dugdale. It was two or three years before; at the beginning, when the Plot was first discovered to me for the Introducing of their Religion.

Mr. Just. Atkins. He was a great Zealot, but my Lord *Stafford* did suppose the Money might quicken him.

Mr. Dugdale. It was for my Incouragement, and I should have a greater reward after.

Corker. He received the Money, I suppose, when he was in Prison for Debt, rather than for any thing else.

Lord Chief Just. North. You may observe that by and by.

L. C. J. Look you, this is what he hath said, it is all but in general, and he does not name any of you Four: But here was a general contrivance, he says, to bring in Popery; I am afraid that is too true; and as the best way to effect that, they resolved to Kill the King; and I am afraid that is too true too, for it was indeed the likeliest way.

Then stood up *Mr. Prance.*

Mr. Ward. *Mr. Prance*, pray will you give the Court an account only in general of what you know of any Design that was at this time?

Mr. Prance. It was a fortnight or three weeks before *Michaelmas*, I went to one *Mr. Ireland's* Chamber in *Russel-street*, where was *Mr. Fenwicke* and *Mr. Grove*, and there they were discoursing of 50000 Men that were to be raised for the settling of the Roman Catholick Religion; and I asked *Mr. Fenwicke*, How that could be done? And he said, *Very easily in a short time.* Then I asked him, What poor Tradesmen should do? And he said, *I need not fear, for I should have Church-Work enough to make Crucifixes, Basons and Candlesticks.*

Mr. Just. Atkins. You are a Working Goldsmith?

Mr. Prance. Yes. Then I asked, Who should Govern them? And he said, My Lord *Powis*, my Lord *Stafford*, my Lord *Arundel*, my Lord *Bellasis*, and my Lord *Petre*. Two or three days after that, *Grove* came

to my Shop to buy some Spoons for a Christning ; and then I did ask him, What Office he was to have ? He said, He did not know, but he said, that my Lord *Bellasis*, my Lord *Powis*, and my Lord *Petre*, had Commissions to Govern the Army. And after that, there was one Mr. *Paston* in *Dukestreet*, I went to him to know how I could direct a Letter ; and after a little time, we fell into discourse concerning the Affairs of the Times. He told me, The Lords had given out Commissions, one was to Sir *Henry Bennyfield* in *Norfolk*, another was to Mr. *Stoner* in *Oxfordshire*, and another was to Mr. *Talbot* of *Longford*. He said that they had given Commissions for to raise an Army.

Mr. *Ward*. What was that Army to do ?

Mr. *Prance*. It was to settle the Catholick Religion.

Mr. *Ward*. Did you hear any thing mentioned of Killing the King ?

Mr. *Prance*. Yes, I did.

L. C. J. Who told you this that you speak of about the Commissions ?

Mr. *Prance*. Mr. *Paston*, my Lord, in *Dukestreet*.

L. C. J. Was he a Priest ?

Mr. *Prance*. No, but he kept some in his House, and they said Mass every Morning.

L. C. J. Is he of any Profession ?

Mr. *Prance*. He was a Counsellor, but doth not practice now, he hath an Estate of 5 or 600 a year.

L. C. J. Now go on, and say what he told you.

Mr. *Prance*. He said, there were Commissions given out to Sir *Henry Bennyfield*, and one *Talbot* of *Longford*.

L. C. J. When was it he told you this ?

Mr. *Prance*. It was in *August* last.

L. C. J. And did he say they had Commissions sent to them ?

Mr. *Prance*. Yes, they had them in the Country, where they were to raise their Troops : I heard of more, but I only remembered those three.

Mr. *Ward*. Do you know one Messenger ?

Mr. *Prance*. Yes.

Mr. *Ward*. What discourse had you with him ?

Mr. *Prance*. My Lord's Butler told me——

L. C. J. Who told you ?

Mr. *Prance*. My Lord's Butler.

L. C. J. What Lord ?

Mr. *Prance*. My Lord *Arundel*. He waited then on one *Sheldon* that was Almoner to the Dutchess of *York*. He told me, That Mr. Messenger was to Kill the King, and he was to have a good Reward for the same. Soon after I was going over *Lincolns-Inn-Fields*, and met with Mr. Messenger, and asked him, Why he would Kill the King ? He seemed to be surprized, and starting back, said, *Who told you that ?* Said I, Your Butler told me. Oh, said he, *we are quite off of that now* : But then I was going away, and he called me back, and asked me, *If I would go and drink with him ?* No, said I, I cannot stay at this time. However, pray, said he, *keep counsel, for we are off of that now*.

Mr. *Ward*. Will you ask the Witness any Questions ?

Corker.

Corker. Yes, my Lord ; Those Commissions you speak of, when were they sent ? In *August* ?

Mr. Prance. No, I do not say so, but that *Mr. Paston* told me of them in *August*. I cannot tell the day.

Sir Ro. Sawyer. If you observe it, Gentlemen, he only tells you what some of the Priests, and persons of your Religion, acquainted him with ; not any thing particularly against you.

Mr. Ward. Then next we call *Mr. Jennison*.

(*Who stood up.*)

Sir Ro. Sawyer. *Mr. Jennison*, pray give the Court an account of what you know of any Design in hand, or what Discourse you had with any Person about such a thing.

Mr. Jennison. Sir, in the Month of *June* 1678. I was at *Mr. Ireland's* Chamber.

Sir Ro. Sawyer. Where, Sir ?

Mr. Jennison. In *Russel-street* next the *White-Hart*. And there arose a Discourse about Religion, and some hopes there were, he said, that the Romish Religion should be publickly owned again in *England* ; and when I came in, I remember *Mr. Ireland* did say, There was only One in the way, that stopp'd the Gap, and hindred the Catholick Religion from flourishing in *England* again ; and said, It was an easie matter to poyson the King.

L. C. J. Who was by pray when he said so ?

Mr. Jennison. His Sister was by.

L. C. J. Name her, Sir.

Mr. Jennison. *Mrs. Anne Ireland*.

L. C. J. Who else ?

Mr. Jennison. None else.

L. C. J. Then there was only you, and *Ireland*, and his Sister. And you say, That they were discoursing concerning their hopes of bringing in Religion, and *Ireland* said, There was but One in the way, and that it was not an hard matter to poyson the King.

Mr. Jennison. Yes, my Lord ; and so I not knowing any thing at all of the Plot, or imagining the Design, did answer, Perhaps it may be done, but it would be a very horrid thing if it should. Then *Mrs. Ireland* did rebuke her Brother, and asked him, Why he talk'd so ? And then he answered with some *Salvo* or other, That he did not think it ought to be done. Then I pursued the Discourse about Religion, and told him, I thought it would never come in by Violence, and that it was a great scandal to Religion for the Professors of it to propagate and promote it by any such ways : And then I put him in mind of the Gunpowder Treason, of the ill success it had, and the great Injury it did to the Cause. He answered, That was only a State-Trick, and an Invention of my Lord *Cecil's*.

L. C. J. Ay, they do say so, I know ; Were you a Papist then ?

Mr. Jennison. Yes, my Lord, I was.

L. C. J. Are you one still ?

Mr. Jennison. No, my Lord.

Mr. Ward. Mr. Jennison, Were you with him again at any time? And what time was it that you met him, as you remember?

Mr. Jennison. The 19th of *August* after I came from *Windsor*.

L. C. J. Where did you see him?

Mr. Jennison. At his own Chamber in *Russel-street*.

L. C. J. How do you so precisely remember the day, that it was the 19th of *August*?

Mr. Jennison. I remember it by this, the beginning of *August* I went to *Tunbridge* with Mr. *Tonstall* and another Gentleman, and there I staid till the 14th, when I came to *Town*, and staid two or three days, and on *Saturday* in the Afternoon I went to *Windsor* to take my leave of Mr. *Bowes*, being to go down into the *North*; and there I staid all *Sunday*, and came back again on *Munday* Morning, and came to *Town* about Twelve a Clock the 19th day, as I have considered it since it was, and a *Munday*.

L. C. J. And then you went to *Ireland's* Chamber, did you?

Mr. Jennison. Yes, then I went to Mr. *Ireland's* Chamber.

L. C. J. By the Oath you have taken, because it is very material not to your Cause, but it shews how fit it is that the World should know with what Truth or Falshood these Men dare die, and this Man did in particular. It was affirmed by him to the very last of his breath, that he was never here in *London* after the third of *August*, till some time in *September*, but was all the while in *Staffordshire*; and they did at the last Tryal produce Sir *John Southcot*, and his Coach-man, and his Lady, and I know not how many other Witnesses, to give an account where he was from the third of *August*, all along till the middle of *September*; and they testified that they kept 16 days together in his Company; and then they produced People in *Cheshire* to say, that they saw him there. Therefore I do now ask you upon your Oath, Are you sure that you saw *Ireland* here the 19th of *August*?

Mr. Jennison. Yes, my Lord.

L. C. J. Do you swear that positively?

Mr. Jennison. Yes, my Lord, I do.

Sir Robert Sawyer. He will tell you the discourse he had with him then.

Mr. Jennison. After that I came to Mr. *Ireland's* Chamber, I understood he was newly come out of *Staffordshire*. And he pull'd off his Boots while I was there upon the Frame of a Table, or else upon a Jack, I cannot positively tell which, but I believe it was on the Frame of a Table. I asked him, How all our Friends did in *Staffordshire*? He told me, Very well, and that they would be glad to see me there. Then he asked me, Whence I came, and where I had been? I told him, I had been at *Windsor*. He asked me, What News? How the Court diverted themselves? I told him, I understood His Majesty took great delight in Hawking, and Fishing, and chiefly in Fishing, and used to go out very early in the Morning, accompanied only with three or four Persons of Quality.

L. C. J. Did he ask you what Company he had? Or did you tell him of your own accord?

Mr. Jennison. No, I think I told him of my own accord, that the King went out very early, and had but little company with him. Lord, said he,

he, I wonder the King should go so thinly guarded, he were easily taken off, I wonder he should go so open. Said I, God forbid, sure nobody would be so wicked; and then he qualified it by some expression; so that at that time I made no ill reflection upon it, till after the Plot broke out, and then discoursing of it to my Father and my Sisters, I said I wish it be not true, pray God there be nothing in this Plot, because of the Discourse that happened between Mr. Ireland and me. 'Tis very suspicious, said I.

Sir Ro. Sawyer. At that time had you any discourse whence he came, and about his weariness?

Mr. Jennison. He said, he came out of *Staffordshire*, and came Post. I understood he came very early that morning. I told him that Schollars such as he, would rather choose to come upon an Ambling Horse, and that I was weary my self.

Sir R. Sawyer. Were you very well acquainted with Mr. Ireland that suffered?

Mr. Jennison. Yes, very well.

Sir Ro. Sawyer. Are you sure he was in *London* the nineteenth of August?

Mr. Jennison. Yes, and I talked with him then.

L. C. J. How long had you known him before?

Mr. Jennison. A year and an half.

Sir Ro. Sawyer. Pray when did you go out of *London* to the North? What time did you go away?

Mr. Jennison. I went the fourth of September, as the Coach Book will make it appear.

L. C. J. The Evidence they gave was, that he did not come to Town till the 13th of September, but he was gone the 4th it seems to the North, and that is before that time Well, will you ask him any Questions?

Corker. Mr. Ireland had been in *Staffordshire*? Had not he? for the 19th you say he came to Town, I do not well remember, but the design of the Ruffians of killing the King, about which *Oats* speaks, was before the 19th, at the Consult of which Ireland was so grand an Instrument.

L. C. J. That was in May, was it not?

Corker. No, that of the Ruffians was in August, as he says.

Sir Ro. Sawyer. Will you ask him any Questions? Look upon him; you see how creditable a witness he is.

Corker. Did you, pray Sir, leave your Religion, and make this discovery before the pretended Plot came out? When did you leave your Religion?

Mr. Jennison. About three Months ago.

L. C. J. He told you that as soon as the Plot broke out, said he, I told my Sisters and my Father of it, and said, I pray God this Plot have not more in it than we are aware of, for I had some discourse with Mr. Ireland, which I took no notice of then, because he qualified it at that time, and said it was not lawful, and I did make nothing of it then, but now it runs much in my mind.

Corker. This, he says, but this man did not leave his Religion, nor make this discovery till it appeared advantageous to him so to do.

Mr. Recorder. It is an observation you make; but it had been well if you, and all of that Persuasion would have left it when you saw what it led to.

L. C. J.

L. C. J. I know not what advantage you mean, nor do I see any colour you have to say so, for they say this Gentlemans Father is one of a 1000 a year, and he is his eldest Son.

Corker. Are you your Fathers eldest Son ?

Mr. Recorder. There is an elder Brother, my Lord, but he is a Priest.

L. C. J. Is your elder Brother a Priest ?

Mr. Jennison. My Lord, I don't know that, he is in *Newgate* about it.

L. C. J. Is it reported that he is so ?

Mr. Jennison. My Lord, I don't know it of my own knowledge.

Corker. He does not know it, and therefore he is not the Heir, and therefore the advantage of his Estate is not such, but that he might well lay hold of this discovery.

Sir Ro. Sawyer. I hope by and by Gentlemen, you will make a better defence than this.

Mr. Just. Pemberton. What you say should be by way of question proposed to the Court.

Mr. Recorder. But you take it upon your Oath that you saw *Ireland* the 19th of *August*? Was that after you met with Mr. *Bowes*?

Mr. Jennison. I did not meet with Mr. *Bowes*.

Mr. Recorder. How long after you had left him was it ?

Mr. Jennison. I did not see him there, I went to see him, but he was not there.

L. C. J. But he says precisely that the 19th of *August* he went to Mr. *Ireland's* Chamber, where he saw him pluck off his Boots, and talking, as if he had come out of *Staffordshire*, Post, so that indeed he was in *Staffordshire*, but not all the time he said he was.

Mr. Ward. Then pray call Mr. *Bowes*. (Who was sworn.)

Sir Ro. Sawyer. Pray Sir will you give the Court an account, when you saw this Gentleman, and about what time he went out of Town.

Mr. *Bowes*. My Lord, I saw him in *August*, the beginning, or about the middle of *August*, in *Tunbridge*, before my coming to Town.

Sir Ro. Sawyer. Pray when did he leave this Town? when did he go out of Town?

Mr. *Bowes*. I cannot point blank tell the time, but I could recollect, myself, I believe in a little time.

Sir Ro. Sawyer. Do you know of his going to *Windsor*?

Mr. *Bowes*. I did not see him there, but he writ a Letter to me that he went thither to meet me there, but I saw him not till he came to Town again.

L. C. J. Who is't you speak of?

Mr. *Bowes*. Mr. *Jennison*.

Sir Ro. Sawyer. What did he write you in that Letter?

Mr. *Bowes*. Sir the Letter is here in Court, I don't remember the particulars.

Sir Ro. Sawyer. Is it here in Court?

Mr. *Bowes*. Yes, it is I think.

Mr. Recorder. Shew it him, for it may refresh his memory about the time.

(Which was done.)

L. C. J.

Lord Ch. Just. Is that the Letter?

Mr. Bowes. This is the Letter.

Sir Ro. Sawyer. Pray when did you receive it?

Mr. Bowes. It was in *December* before Christmas, here is a Gentleman that then saw it.

Sir Ro. Sawyer. Pray Sir will you please to look upon it, and then acquaint the Court with some of the Contents.

Lord Ch. Just. North. You are sure, *Mr. Bowes*, that *Mr. Jennison* was in Town in *August*?

Mr. Bowes. He came then from *Tunbridge*.

Lord Ch. Just. That is all, we can make no more of it: Did he meet you at *Windsor*?

Mr. Bowes. No my Lord, I was gone to *Windsor* before, and when he came I was gone out of the Town.

Lord Ch. Just. What time went you to *Windsor*?

Mr. Bowes. The twelfth or thirteenth of *August*; It was on a Monday or a Tuesday after I came from *Tunbridge*.

Sir Ro. Saw. Then we shall call one Witness more, and we shall prove by him, that is one *Mr. Burnet*, that the 17th of *August* he did meet *Mr. Jennison* going to *Windsor*. Pray call *Mr. Burnet*. (*Who was sworn.*)

Lord Ch. Just. Pray Sir do you know *Mr. Jennison*?

Mr. Burnet. I met him as I was coming from *Windsor* that day *Dotchet's* Horse Race was.

Lord Ch. Just. What day was that?

Mr. Burnet. I cannot exactly remember the day.

Lord Ch. Just. What Month was it?

Mr. Burnet. In *August*.

Lord Ch. Just. Was it the middle of *August*, or the latter end?

Mr. Burnet. It was about the middle of *August*.

Lord C. J. This does not so much relate to you, but it is to give satisfaction to all the world, that what was asserted by *Mr. Ireland* all along, and at his death, and seems to be justified by so many Witnesses as were produced on that account, to prove that he was not here in *August*, is utterly untrue, for this Gentleman *Mr. Jennison* swears he saw him here in Town the 19th of *August*, and to prove that *Mr. Jennison* was here, here is *Mr. Bowes*, and this other Gentleman that come to fortifie his testimony, who swears precisely, that the 19th of *August* he was at *Mr. Ireland's* Chamber, where he saw him pluck off his Boots, and talk'd as if he came Post then from *Staffordshire*.

Corker. I suppose it will not be permitted us to make any argument upon this neither as yet.

Lord Ch. Just. No, no.

Sir Ro. Saw. But now Gentlemen it will behove you to take Notes, for we shall come home to you, and we begin with *Dr. Oates*. (*Who stood up.*)

Mr. Ward. Pray Sir, will you tell your whole knowledge of this matter, and apply your self as near as you can to every one of the prisoners at the Bar.

Dr. Oates. My Lord, in the month of *July* *Mr. Asbby* came to Town sick, and being sick, and one of the Society, the Prisoner at the Bar, *Sir George Wakeman* was his Physician, and being his Physician he did write him some Instructions how he should order himself before he went, and at the Bath; That he should in the first place take a pint of Milk in the morning, and a pint of Milk at night, and should drink no morning draughts but milk, and that he should have one hundred stroaks at the Bath at the Pump, I do not

so well understand what that means, but I suppose the Court doth, but these were the words of the Instructions. In this Letter Sir *Geo. Wakeman* did write, that the Queen would assist him to poison the King, and this Letter was brought by a Messenger to Mr. *Ashby*. Within a day or two after I saw Mr. *Ashby* and Sir *Geo. Wakeman* the Prisoner at the Bar (he was so called) but I had no acquaintance with him, but just the sight of him) I saw him sit in a writing posture, I saw him lay by his pen, rise up and go away, and the same hand that he left behind him in a paper where the ink was not dry, was the same hand that writ the Letter to Mr. *Ashby*. And, my Lord, in that time of converse while he was writing, this Mr. *Ashby* did give him some Instructions concerning the Commission he had received of being Physician to the Army. Now, my Lord, in some few days after there came a Gentleman for some of the Fathers from *Wild-house*, that had the Title either of Sir *Richard* or Sir *Robert*, but he was a middle-statured man, and a brisk man, about the age of four or five and forty, and he came with Commands from the Queen for the Fathers to wait upon her at *Somerset* house, and I did wait upon these Fathers, there was Father *Harcourt*, Father *Kaines*, Father *Langworth*, and Father *Fenwick*, and another Father, I cannot remember his Name. And may it please your Lordship, we did attend at *Somerset-house*, and the Fathers went in to the Queen into a Chamber where she was, and I waited in an Anti-chamber, and I did hear a Womans voice which did say, that she would assist them in the propagation of the Catholick Religion with her Estate, and that she would not endure these Violations of her Bed any longer, and that she would assist Sir *Geo. Wakeman* in the poisoning of the King. Now, my Lord, when they came out, I desired that I might see the Queen, and so when I came in I had, as I believe, from her a gracious smile. Now if it please your Lordship, while that I was within I heard the same voice speak thus to Father *Harcourt*, and asked him, whether he had received the last 1000*l.* and it was the same Tongue, as I can possibly guess, the same voice which I heard when I was without, and I saw no other Woman there but the Queen, and there were these Fathers. My Lord, in that very month of *July* Sir *Geo. Wakeman* was proposed 1000*l.* in the presence of Father *Harcourt*, and Father *Fenwick* I think was there, and Father *Ireland*.

Lord Ch. Just. Were you there? Dr. Oates. I was there.

Lord Ch. Just. Was this proposal made to Sir *George Wakeman* after this discourse you heard at *Somerset-house*?

Dr. Oates. My Lord, I will not be positive whether it was before or after, but it was near that time, this 1000*l.* he did refuse.

Lord Ch. Just. But you say, you heard the 1000*l.* was proffered him; pray who did propose it to him?

Dr. Oates. *Ashby* was to do it. Lord Ch. Just. But who did it?

Dr. Oates. It was *Ashby* in the name of the Provincial, from whom he had received instructions so to do.

L. C. J. But you say in your hearing 1000*l.* was offered him by *Ashby*.

Dr. Oates. Yes, my Lord.

Lord Ch. Just. What said he? Dr. Oates. He refused it.

Lord Ch. Just. What words did he use?

Dr. Oates. He said it was too little.

Lord Ch. Just. What was the 1000*l.* to be given for?

Dr. Oates. To poison the King.

Lord Ch. Just. Were those the words? Dr. Oates. Yes, they were.

Lord Ch. Just. How did the discourse begin?

Dr.

L. A. L. A.

I T T T

A L. A. L. A. L.

T T T T

L. A. L. A. L. A.

Dr. Oates. I will tell your Lordship how : There was a Meeting of the Fathers for this very purpose to treat with *Sir Geo. Wakeman* before *Ashby* went to the Bath, and there being a Meeting they did break this business to him ; but what preamble they made to it I cannot remember. My Lord, as for the other Prisoners at the Bar, *Mr. Corker*——

Lord Ch. Just. But before you go from this matter, you say you know not how they brought it in, but they brought it in some way ; he was to meet with them to that purpose, and there *Ashby* did tell him he should have 10000*l.* What Answer made he to it ?

Dr. Oates. He said it was too little for so great a work.

Lord Ch. Just. Is that all ?

Dr. Oates. That is all that I remember.

Lord Ch. Just. Did he say what he would have ?

Dr. Oates. I can't remember that, but he said that was too little.

Lord Ch. Just. Did he say he would have five more, or any other Sum ?

Dr. Oates. No, that was not then mentioned ; but there were Letters presently dispatched to *Whitebread* to tell him, that *Sir Geo. Wakeman* had refused the 10000*l.* and then this same *Whitebread* did order the Fathers in *London* to propose five more, which proposal was made to *Sir George Wakeman*. This I speak but by hear-say, and it was accepted, and 5000*l.* of it received in part, and *Sir Geo. Wakeman's* Name was subscribed to the Entry-Book.

Lord Ch. Just. Did you see his Name subscribed ?

Dr. Oates. Yes, my Lord, I did.

Lord Ch. Just. Where ?

Dr. Oates. To the Entry-Book.

Lord Ch. Just. Where was that Book kept ?

Dr. Oates. It was the Book that the Jesuits kept : it was then in our custody.

Lord Ch. Just. Whose custody ?

Dr. Oates. The Fathers custody.

Lord Ch. Just. Whose particularly ? And at whose Chamber was it kept ?

Dr. Oates. At *Wild-house*.

Sir Ro. Sawyer. Do you know who was the Keeper of it ?

Dr. Oates. I cannot positively say that, I suppose the Secretary and the Fathers.

Sir Ro. Sawyer. And what did you see writ in that Book ?

Dr. Oates. That such a day (which day I cannot remember) but such a day in *August* so much was proposed to *Sir G. W.* and he accepted it, and received it : those were the words, or to that purpose.

Lord Ch. Just. Were those the words writ in the Book ?

Dr. Oates. Yes, or to that purpose.

Lord Ch. Just. Do you know whose hand writ that ?

Dr. Oates. Yes, my Lord, I can tell whose hand, it was *Father Harcourt* writ those words.

Lord Ch. Just. *Sir Geo. Wakeman's* hand was not to it, was it ?

Dr. Oates. Yes, it was just underneath : Received so much money of *Father Harcourt* by the order of *Edward Coleman* : now there was the *Goldsmith's* Name to it, I cannot undertake to say who it was, but in my Conscience I think it was *staley*.

Lord Ch. Just. How much was the money ?

Dr. Oates. Five thousand pounds.

Lord Ch. Just. Was *Sir Geo. Wakeman's* hand subscribed to that Receipt ?

Dr. Oates. Yes, it was.

Lord

Lord Ch. Just. Once more, what were the words in the Book ?

Dr. Oates. Memorandum. Such a day 15000^l was proposed to Sir G. W. which he accepted. I tell you the purport, and the words as near as I can.

Lord Ch. Just. Was it said for what the money was proposed ?

Dr. Oates. I will not be positive in that, I suppose it was.

Lord Ch. Just. But you say it was written such a day 15000^l was proposed to Sir G. Wakeman, and by him accepted ?

Dr. Oates. Yes, my Lord, and then underneath it the Receipt was written, and this Receipt was written thus, *Received in part of this 15000^l, 5000^l of Father Harcourt by order of Edward Coleman. George Wakeman.*

Lord Ch. Just. Was the Receipt, which is said such a day, the same day that the other ?

Dr. Oates. There was no other date to it.

Lord Ch. Just. Had the first a Date to it ?

Dr. Oates. Yes, my Lord, it had.

Lord Ch. Just. What day was it ?

Dr. Oates. It was in *August*.

Corker. What day in *August* ?

Dr. Oates. I cannot tell.

Corker. About what time in *August* ?

Dr. Oates. It might be betwixt the beginning and the middle.

Lord Ch. Just. But we will suppose for the present question a day ; suppose it was written the 10th of *August*, *There was proposed 15000^l to Sir G. W. and by him accepted*, and then comes afterwards this Note, *Received then 5000^l in part of this 15000^l* with his Name to it. Was there any other Date to that ?

Dr. Oates. No, that was set down as the same day, *Received 5000^l in part by the Order of Edward Coleman.*

Lord Ch. Just. And then Sir George Wakeman's Name was set to it at length, was it ?

Dr. Oates. Yes, it was.

Sir Geo. Wakeman. Where was that Received ? In whose Chamber ?

Dr. Oates. I cannot say that.

Lord Ch. Just. Was there any place mentioned in the Note where it should be Received ?

Dr. Oates. No, my Lord, I was then sick of the Stone, and was not at the payment of the money.

L. C. Just. But did the Note mention any Name ? Received of any body ?

Dr. Oates. It was by Order of Mr. *Edm. Col.* 5000^l in part of this 15000^l.

Sir Geo. Wakeman. Does he say this was in the Entry-Book ?

Dr. Oates. Yes, it was.

Sir Geo. Wakeman. Where was that kept ?

Dr. Oates. Sometimes at *Wildhouse*, sometimes Mr. *Langhorn* had the custody of it.

Sir Geo. Wakeman. I humbly beg of the Court that Mr. *Staley* may be sent for.

L. C. J. He only says he believes Mr. *Staley* paid it.

Sir Geo. Wakeman. Does he mention no place where it was Received ?

L. C. J. No. *Sir Geo. Wakeman.* Nor no person it was paid to ?

L. C. J. No, he says, All I saw is this, that in the Entry-Book sometimes kept at *Wild-house*, sometime by Mr. *Langhorn*, there was written, *This day (which was some day in August) proposed to Sir G. W. 15000^l,* and

and by him accepted, and under that a line or two more which contained;
Then Received 5000^l by Order of Edward Coleman, being part of this
15000^l. George Wakeman.

Sir *G. Wakeman*. Will your Lordship please to give me leave to speak something now, I may forget it hereafter.

Mr. *Ward*. We have not done yet.

Mr. *Just. Pemberton*. Sir *George*, they have not yet done with this Witness for the King.

L. C. J. North. Take a Memorandum of it in your paper.

Sir *R. Sawyer*. Pray what do you know more of the prisoner at the Bar, Sir *George Wakeman*?

Dr. *Oates*. This is all I can recollect at present.

Sir *R. Sawyer*. Do you know any thing of any Commission that he had?

Dr. *Oates*. I did urge that he received a Commission to be Physician-General of the Army.

Lord *Ch. Just.* Did you see that Commission?

Dr. *Oates*. Yes, I saw it in Sir *George Wakeman's* hands.

L. C. J. Had you seen it before? Dr. *Oates*, Yes, I had.

L. C. J. Where did you see it in his hand?

Dr. *Oates*. When he was writing at Mr. *Ashbys*.

L. C. J. What Note was that he left behind him there?

Dr. *Oates*. It was an Apothecaries Bill, as I suppose.

L. C. J. What month was it that you saw the Commission?

Dr. *Oates*. It was in *July*.

Mr. *Ward*. What do you know of his being privy to the Consult in *April*?

Dr. *Oates*. I cannot speak any thing to that.

L. C. J. Did he write his Name to that Bill?

Dr. *Oates*. I cannot say that, my Lord, it was finished, but I cannot be positive about the Name.

L. C. J. But you say, that you believe that the Name of *George Wakeman* was the same hand with that you saw when he writ the Apothecaries Bill?

Dr. *Oates*. It was as near as I can guess the same with that Letter that was writ to *Ashby*, wherein he does direct him to take a pint of milk in the Morning, and a pint of milk in the Evening, and that he should have 100 stroaks at the *Bath*: And this hand was the same with that of the Apothecaries Bill.

L. C. J. You never saw Sir *Geor. Wakeman* write in your life, did you?

Dr. *Oates*. I saw him in a writing posture, and I saw him lay by the Pen.

L. C. J. But you did not see him write?

Dr. *Oates*. No my Lord, but the Gentleman that sat by him was lame of both his hands and could not write: And I saw him lay by the pen, and when he was gone away the Ink was not dry.

L. C. J. You speak of that only to shew the likeness of the hand.

Sir *G. Wakeman*. Have you not said that you do not know my hand?

Dr. *Oates*. I have told the Court before how far I have known your hand. I saw a Letter, that I say was signed and subscribed *George Wakeman*, and that was the same hand that was to the Receipt, and to the Apothecaries Bill.

Sir *G. Wakeman*. Have you not said positively that you do not know it, and is not that matter on Record?

Dr. *Oates*. I did see a Letter subscribed *George Wakeman*, 'tis a fine
 I gentile

gentile hand, and after I saw him in a writing posture, I saw him lay by the pen, the ink and paper was wet; I did not indeed see him write, but there was no body in the room that could write, or in a writing posture but he, for the other Gentleman was lame of both hands.

Sir G. Wakeman. But I pray give a positive Answer to what I ask you; have you not said you do not know my hand?

Dr. Oates. I do not remember I have said so.

Mr. Just. Pemberton. But he says now he believes that the hand that writ the Letter to *Ashby*, and the Bill that he saw green, when no body was by that could write but you, were the same.

Sir G. Wakeman. Have not you said before the King and Council, that you never saw me in all your life, and that you did not know me?

Dr. Oates. My Lord, you may be pleased to know, when I saw *Sir G. Wakeman* at the Council, I had been up two nights together, and the King was willing once to excuse me from staying any further Examination, and being so ill and indisposed for want of Rest, in respect both of my Intellectuals, and every thing else, I might not charge him so home, but now I have a proper light whereby I may see a mans face, I can say more to him.

Sir Geor. Wakeman. This is just *Colman's* Case, the light was in your eyes.

Dr. Oates. This is the same Gentleman: I desire he may propose his Questions to the Court.

L. C. J. This is his Question, whether you did say before the King and Council you did not know *Sir George Wakeman*?

Dr. Oates. I do not remember whether I did or did not. I saw one called *Sir George Wakeman*, and this is that man; but I will not say this was the man that was before the Council when I was there.

Mr. Just. Pemberton. Did you see the Commission in this mans hand?

Dr. Oates. Yes, I did.

L. C. J. Did you know this Gentleman before he was at the Council?

Dr. Oates. I saw this Gentleman with *Mr. Ashby*, and he can't deny it.

Sir G. Wakeman. Can't deny it! Yes. I hope you will be able to prove it. You said you never saw me in your life before you saw me at the Council.

L. C. J. Did you ever see him more than once?

Dr. Oates. Yes, twice in *Mr. Ashby's* Chamber.

L. C. J. What, two several dayes?

Dr. Oates. Yes, two several dayes.

Mr. Just. Pemberton. Where was it that you saw him when the writing you say was green that he left behind him?

Dr. Oates. It was at *Mr. Ashby's* Chamber.

L. C. J. You never saw him before that, did you?

Dr. Oates. No.

L. C. J. How often after?

Dr. Oates. But once after that.

L. C. J. Was that at the Council?

Dr. Oates. No.

L. C. J. Look you what he says, he never saw you but twice before he saw you at the Council.

Dr. Oates. I saw you when the 10000^l was proposed to you.

Sir G. Wakeman. Where was that?

Dr. Oates. At *Wild-house*.

Sir G. Wakeman. Did *Mr. Ashby* lie there?

Dr. Oates.

Dr. Oates. He did lye there, because the Provincial was beyond Sea, and he came up to *London* in order to go to the Bath.

Sir G. Wakeman. What day was that proposal made to me?

Dr. Oates. It was before Mr. *Ashby* went to the Bath.

Sir G. Wakeman. In what Month? *Dr. Oates.* In the Month of *July*.

Sir G. Wakeman. By whom? By Mr. *Ashby*? *Dr. Oates.* Yes.

Sir G. Wakeman. In the presence of whom?

Dr. Oates. Father *Harcourt*, Father *Ireland*, and Father *Fenwick*.

Sir G. Wakeman. You will be sure to name those that can be neither Witnesses for me nor against me.

Lord Ch. Just. Who can help that?

Dr. Oates. I reckon up such as you did keep Company with.

Lord Ch. Just. Do you know when Mr. *Ashby* went to the Bath?

Dr. Oates. The latter end of *July* or beginning of *August*, as I remember. And this was before he went: he stayed but fourteen or sixteen days, as I remember, in Town

Lord Ch. Just. He says he saw you but twice, once when you writ that Note, and the second time when the proposal was made to you.

Sir G. Wakeman. And you knew all these things at that time when I was examined before the King and Council, turn this way and answer me.

Dr. Oates. I am not bound to answer that Question.

Lord Ch. Just. But you must answer his Questions, if they be lawful.

Sir G. Wakeman. I say I ask him, whether he knew all these things before that time I was examined before the King and Council.

Lord Ch. Just. That must needs be, for all these things were done before.

Sir G. Wakeman. Then I ask him this Question, Why did you say before the King and Council, that you knew nothing of me but concerning one Letter that was writ from Mr. *Ashby* to Mr. *Fenwick*? I shall prove this upon you; but, my Lord, let me observe this, Can any one believe, that if such Evidence had been given in to the King and Council against me as he now speaks of, that I should not have been immediately taken in to Custody, but that I should have my liberty so long as I had?

Lord Ch. Just. I will tell you, Sir *George*, you will do very well and properly to call up your Witnesses by and by when you come to make your Defence, and to prove what he said at the Council-Table. Pray, *Dr. Oates*, what was the reason you did not give the same Evidence then you do now?

Dr. Oates. I can by and by give an Answer to it, when it is proved by him what I did say. As to Mr. *Corker* I say this, he had a Patent from the See of *Rome* to be Bishop of *London*, and Mr. *Corker* was privy and consented to a Proposal that was made by *Langborn* to the Benedictine Monks, whereof he is one. And these Benedictine Monks did contribute 6000 *l.* to the Society of the Jesuits in order to the carrying on of this Design. And Mr. *Corker*, though he did deny before some Justices of the Peace, that he did go out of the Kingdom, yet he did go over to *Lampspring* in *Germany*, and staid there some short time, and he did write a Letter; but whether it was Dated from *Lampspring* in *Germany* or no I cannot tell, because there was only the Date of the Month, but not of the place from whence it came, but the latter end of *August* it was, and therein he wrote, that he did consent to the proposal for the raising of the said 6000 *l.* for he is President of the Benedictine Monks, and therefore it was necessary that he should give the Suffrage, and he had been with Father *Le Chese* and the English Monks

Monks in *Paris*, and had given an account what prospect of Affairs he had in *England*, and how the Design went on.

Lord Ch. Just. Was this in a Letter? *Dr. Oates.* Yes, it was.

Lord Ch. Just. To whom was that Letter directed?

Dr. Oates. It was directed either to Father *Hitchcot*, or to Father *Howard* then in *London*.

Lord Ch. Just. You saw the Letter? *Dr. Oates.* Yes, I saw the Letter.

Lord Ch. Just. Were you acquainted with his Hand-writing?

Dr. Oates. I will shew you how far I might be acquainted with his hand. My Lord, this Gentleman, as I think, went away in *July*, as near as I can remember, I won't be positive in the time he went over, but in the month of *June* I saw this Gentleman with Mr. *Fenwick*, and he had given him an account either of some Friend or Kinsman of his at *St. Omers* that had not had his Pension paid, and Mr. *Corker* did give a Note under his hand to Mr. *Fenwick* where to take up so much Money, and the Money was to be received of Mr. *Langhorn*.

Lord Ch. Just. How much was that Money?

Dr. Oates. It was about 20 or 25 *l.* and he subscribed his Name to it, *James Corker*; for that is his Name, though he is indicted I know not how by the Name of *Anthony*: and I have a Summons to give Evidence against *Anthony Corker*.

Lord Ch. Just. He is Indicted by the Name of *James*.

Dr. Oates. And then I saw his Name to an Examination that was taken by Sir *Charles Harbord*, and some other Justices that were of the House of Commons that took the Examination of this *Corker*, and it was the very same Hand he usually writ, only it was not so fair, nor so well in his Examination. This is that I say against Mr. *Corker*.

Sir Ro. Sawyer. Shew him that Hand there: pray, Sir, look upon it. (Then a Paper was shewn to him.)

Dr. Oates. This is the same Hand.

Corker. Is that a Copy of my Examination before the Justices?

Lord Ch. Just. It is the Original.

Corker. I am glad it is there.

Lord Ch. Just. Shew it the Prisoner.

Dr. Oates. Mr. *Corker* did use to bestow the Queens Charity—

Lord Ch. Just. Is that your Hand? *Corker.* Yes, my Lord.

Lord Ch. Just. Shew him the other.

Corker. These are both my Hand as far as I can see.

Dr. Oates. That Note he gave to *Fenwick* for the receiving this Money was the same Hand with this, and so was the Letter that came, as we suppose, from *Lampspring* in *Germany*; but I cannot say it did so, wherein he did give consent to the raising and giving this 6000 *l.* for the carrying on of the Design.

Sir Ro. Sawyer. What was that you had more recollected?

Dr. Oates. He did dispose of the Queens Charity (as it was so called) but Mr. *Corker* did say it was to carry on the Design; and this he did say in the Month of *June*, when he was with Mr. *Fenwick*. Now what he meant by that Design, I leave to the Jury to judge, only some parcels he had distributed two or three Shillings to some, and forty Shillings to another, to some more, to others less: but a great part of it he did use for the carrying on of this Design, and he said the Queen had given him Orders so to do.

Sir Ro. Sawyer. What do you know of his being privy to the Consult of the 24th of April?

Dr. Oates. He did know of it, and I will tell your Lordship how I know he knew of it. He did except against *Pickering* being cholen.

L. C. J. To do what?

Dr. Oates. To do that wicked thing to kill the King, for said he, *Pickering* is commonly attendant upon the Altar, and he thought it not so convenient that he should be employed about that business because he might miss an opportunity by being at High Mass, whereas another, a Lay-man might do it.

Sir Ro. Sawyer. Were you present when the exception was made?

Dr. Oates. Yes, it was when the Order was given about the money to *Fenwick*.

Lord C. J. At whose house was it?

Dr. Oates. At the Benedictine Convent in the Savoy.

Sir Ro. Sawyer. Was it expressed at that time what *Pickering* was to do?

Dr. Oates. His being Privy to the Consult in April, I had it only from his own mouth, for he wondred that the Jesuits should employ *Pickering* in that business, when they might have a Lay-man who was more fit; he being a Religious man and attending upon the Altar, it was not so convenient.

Lord C. J. Where was that 6000 l. to be raised?

Dr. Oates. Out of the Benedictines Estates.

Lord C. J. Was he their President?

Dr. Oates. Yes, he was.

Mr. Just. Ellys. Dr. Oates, was he against the thing, the doing of it at all, or against *Pickerings* doing of it only?

Dr. Oates. He was only against *Pickerings* doing of it. He would have had a Lay-man employed in it.

Mr. Just. Pemberton. That is plain, for he did give consent that the 6000 l. should be raised for the carrying on the whole design.

Sir Ro. Sawyer. Do you know any thing besides that Letter you have mentioned, which he writ, to give his consent?

Dr. Oates. Nothing, but that because he had given his Consent the money was paid.

Lord C. J. Do you know it was afterwards paid?

Dr. Oates. I believe that the money was paid, for our Fathers said that they had received it.

Mr. Recorder. What say you to the rest of the Prisoners?

Dr. Oates. Mr. Marshal I do charge with the same, that is, that he was actually present at the Benedictine Convent when the 6000 l. was agreed to be contributed, but it was not to be paid till they had an Answer from Mr. Corker.

Sir R. Sawyer. That Letter you speak of was an Answer to it I suppose?

Dr. Oates. Yes my Lord, it was so.

Sir R. Sawyer. What do you know of the Consult, was he Privy to that?

Dr. Oates. I will not be positive as to Mr. Marshals being privy to the Consult, I know that he was privy to *Pickering's* undertaking to kill the King.

Sir Ro. Sawyer. How do you know that?

Dr. Oates. Because he was of *Corkers* Opinion that they had better take a Lay-man.

Mr. Recorder. What say you to *Rumley*?

Dr. Oates. He is a Benedictine Monk, or at least-wise a Lay-Brother. And he was privy to this Consult in which the 6000 *l.* was agreed to be paid and given, and I do judge he did consent to it, for he did pray God that it might have good success, and that the Catholick Cause might once again flourish in *England*.

L.C.J. North. He was there then, was he not?

Dr. Oates. Yes he was there, but only as a Servant, a Lay-Brother of that Order.

L.C.J. North. Why, is he professed?

Dr. Oates. Yes, I think he is.

L.C.J. North. What time was this, Mr. Oates?

Dr. Oates. In *August*.

L.C.J. North. Was it the former part of *August*?

Dr. Oates. I cannot be positive, but I think it was.

Sir R. Sawyer. Can you say any thing more against the rest of the Prisoners?

Dr. Oates. I do not recollect any thing more at present.

Mr. Ward. Now Gentlemen, if you please to ask him any Questions you may.

Rumley. Were you there present?

Dr. Oates. Yes, I was.

Rumley. Was it in the moneth of *August*?

Dr. Oates. Yes, it was.

Sir R. Sawyer. Will any of you ask him any more Questions?

Corker. He says I went in *June* to *Lamspring*, now I would ask Mr. Oates where *Lamspring* is?

Dr. Oates. We suppose it to be in *Germany*.

Corker. 'Tis almost at the furthest end of *Westphalia*, and he says that being there, I had discourse with *Le Cheese* and the English Monks at *Paris* about this design, I would fain make sense of this if I could.

Dr. Oates. To satisfy Mr. *Corker*, I cannot say that he went to *Lamspring*, but only as he said himself, and they used to say they go to one place when they go to another; as *Ireland* said he went to *St. Omers*, when he went into *Staffordshire*.

Corker. Where and when did I give my Consent to the Design about Murthuring of the King, for you named the 24th of *April*.

Dr. Oates. This is that I say to the Court, that the privy that Mr. *Corker* had of the Consult of the 24th of *April* was that I had out of his own mouth, in which he did declare, that he did think the Jesuites had not done well to make choice of one of their Order to do that business, since he was to attend upon the Altar, but it would have been well if they had made choice of some other Lay-man to match *Grove*.

Corker. You tell me I had a Patent to be Bishop of *London*.

Dr. Oates. I saw it in your own hand.

Corker. Who gave me that Patent?

Dr. Oates. I did not enquire into that.

Corker. Did you hear me say, I accepted of it, and should be Bishop of *London*.

Dr. Oates. I heard you say this, you hoped it would not be long ere you should exercise your Episcopal function. (at which the people laughed.)

Dr. Oates.

Dr. Oates. I now recollect something more. I remember *Mr. Marshall* was present when *Father Hitchcot* and *Father Howard* and *Conyers* the Benedictine Monk, were there present about the laying of a Wager, whether or no the King should eat any more Christmas Pies, and this Benedictine Monk *Conyers* did lay he should not, and another Gentleman lay'd that he would, and this Gentleman *Marshall* did go halves with *Conyers* that he would not.

Marshall. I desire you would tell my Lords the Judges how long you have known me, and where you have seen me?

Dr. Oates. I have seen this Gentleman several times, but had never any familiarity with him, but I have seen him officiate at the Altar.

Marshall. How long have you known me.

Dr. Oates. First and last two years, but the first time that I knew you to hear you speak, was when *Father Hitchcot* and the rest were there.

Marshall. He says, he hath known me this two years, and yet never spake to me.

Dr. Oates. I knew him by sight.

Marshall. He looked upon me as a Priest it seems, he knew me to be engaged in this business as he says, I wonder he should never converse with me.

Dr. Oates. There are a great many that I know by sight, whom I never did converse with.

L. C. J. What do you infer from that? It may be you know some of the Bench by sight that you never spake to before nor they to you.

Marshall. What day of the Month was this Consult?

Dr. Oates. It was in *August*.

Marshall. But what day of *August*?

Dr. Oates. 'Tis a great priviledge that I tell you the Month. It was between the first and the middle of *August*.

L. C. J. He tells you it was the former part, but it lies in his breast whether he will or no to tell you the exact day.

Marshall. My Lord, 'tis impossible to make a defence, if Circumstances of time and place be not mentioned.

L. C. J. 'Tis fit he should answer if he can tell the time, but if he cannot we can't help it.

Marshall. But if he does not name the very day he may name the place.

L. C. J. He does name the place, it was at the Benedictine Convent.

Marshall. Why can't he as well remember the day?

Dr. Oates. If they will tell me when the Feast of the Assumption is, which is a feast of their making, then I will give them a pretty near account when it was.

Marshall. The Feast of the Assumption is the 15th. of *August*.

Dr. Oates. My Lord, it was either the day before or the day after.

Marshall. Now he hath avouched this positively.

Dr. Oates. Nay, I will not be positive.

Marshall. But you were so, that it was the day before or the day after.

Dr. Oates. I appeal to the Judges of the Court.

L. C. J. If he will say it let him, but people are not to be snapt up thus. *Mr. Oates*, you are upon your Oath, and pray answer the question that is asked by the Prisoner as positively as you can. If you can, say so, if you cannot, say so.

Dr. Oates,

Dr. Oates. My Lord, I do believe verily it was either the day before or the day after.

L. C. J. Are you sure it was?

Dr. Oates. My Lord, I do verily believe it.

Marshall. But what accusation is it of a Thief or a Murderer upon the high-way unless you tell the time exactly?

L. C. J. You see he will not answer positively.

Marshall. Mr. Oates, was I at any other Consult besides this one?

Dr. Oates. Yes, you were upon the 21th. day of *August*, if it fell upon a Wednesday.

Marshall. What matter is it what day it fell on?

Dr. Oates. If it were a Wednesday, then the 21th. of *August* you were at a Consult when we had Letters from Arch-bishop *Talbot*, wherein we had an account of the State of *Ireland*, how the *Irish* affairs did stand, but it did not pay an *Irish* Letters price, and therefore I suppose it came from this side of the Water, though it was directed as if it came from *Dublin*. And this was read there, and there was in it a Prayer that a Commission might be sent down, and there were some Jesuites, and some Benedictines, amongst whom *Marshall* was one, and he did give his Consent that the Commission should be sent down.

L. C. J. What Commissions were they?

Dr. Oates. For Officers in the Army that was to be raised there.

Marshall. Where was that Letter read?

Dr. Oates. At the Benedictine Convent.

Marshall. And this you say was the 21th. of *August*.

L. C. J. And that was on a Wednesday as the Almanack says.

Dr. Oates. There he agreed to send the Commissions into *Ireland* for the appointing of Officers, and did consent to the poysoning of the Duke of *Ormond*.

Rumley. When was *Pickering* taken?

Dr. Oates. He was taken the night before, or *Michaelmas* day in the morning.

Rumley. Were not you there, Mr. Oates?

Dr. Oates. Yes, I was.

L. C. J. Were you at all the Consults?

Dr. Oates. No, I was sick when Sir *Geo. Wakeman* was offered the 15000 *l.* and receiv'd the five.

L. C. J. What Consults were you at?

Dr. Oates. I will answer to those Consults that these persons are affected in, there was one Consult about the beginning or middle of *August*, there was another the 21th. of *August*, and then there was another Consult wherein the 5000 *l.* was paid or ordered to be paid to *Wakeman*, and I was not there.

Rumley. Who was the Messenger that took *Pickering*?

Dr. Oates. I do not know him.

L. C. J. Was the Consult of Sir *Geo. Wakeman* after the 21th. of *August*?

Dr. Oates. No, my Lord.

Mr. Ward. Will you ask him any more questions?

Dr. Oates. My Lord, I desire I may have leave to retire, because I am not well.

L. C. J. You must stay Dr. Oates till after their defence be over.

Mr. Recorder.

Mr. Recorder. If you desire to have any refreshment you shall have it got for you.

Sir Ro. Sawyer. Then we call Mr. Bedloe next (who stood up.) Pray Sir, speak your knowledge concerning the Prisoners at the Bar.

Mr. Bedloe. My Lord, before I speak any thing to the Prisoners, I desire there may be a difference between the Clerks of the Council and me decided, they have mistaken a word in my Evidence, and put in *New-market* for *Windsor*.

L. C. J. What does that signifie to the present business?

Mr. Bedloe. I desire it may not be brought against me in my Evidence.

L. C. J. Then 'tis only for a Caution before hand.

Mr. Bedloe. The latter part of the last Summer, it was I think about the beginning of *August* Sir *Geo. Wakeman* was at *Harcourt's* Chamber, I my self was there first, and when he came in he fetch'd a turn or two about the Room seeming angry and discontented, and asked *Harcourt* if he had any thing for him. Then *Harcourt* asked him how he did proceed? said he, I don't know whether I shall or no; for what reason am I drill'd on in such a Concern as this? Says Mr. *Harcourt*, stay Sir *Geo.* you need not be so hasty to blame us, for we are better provided for you than you think for. With that *Harcourt* went to his Cabinet and took out five or six Papers, and brought a small Bill, and asked Sir *George Wakeman*; said he, Sir *George*, how are you provided? said Sir *George*, I have been ready long since, but you have not been so punctual with me: But what have you there? said *Harcourt*, I have a Bill of 2000 *l.* From whom, said Sir *Geo. Wakeman*? Then he named a Gentleman, but I don't know him, nor can't remember him. And said he, I came now from *Whitehall*, and receiv'd it from such an One, which he said was by the Queen's Order, and that he had it from Her. This Bill is charged upon such a Goldsmith, and named him, he dwelt some-where about *St. Dunstan's* Church, but I can't remember his Name, I'll tell you by and by why I think he dwelt there. Aftoon as Sir *Geo.* had read it, 'tis well said he, if it be accepted, I find more incouragement from my good Lady and Mistriss, than from any of you all. They had some little more discourse, and Sir *George* asked of *Harcourt* who I was; said he, 'tis a Friend that hath been long engaged in our business, and is to do the next great work to Yours. Well said Sir *George*, I will go and see if the Bill be accepted, and you shall hear of me to night; and accordingly he did go. I did not stay but a very little time after him, and therefore I collect he could not go far to get the Bill accepted: for I did cross *Lincolns-Inn* Fields and came down a Lane by *Temple-Bar*, and between the *Queen's Head* and *Chancery-Lane* end I met with Sir *George Wakeman*: said I, have you been with your Bill already, and is it accepted? yes said he, 'tis accepted: and when is it to be pay'd? I am to go, said he, in the Afternoon to receive it.

L. C. J. Who said so?

Mr. Bedloe. Sir *George Wakeman*.

L. C. J. To whom?

Mr. Bedloe. To me. And seeing of him return from the City-ward again, I concluded it was not far off, and spoke to him as I tell you.

Sir George and I were not very well acquainted, but I had known him five Years, and upon that Character Mr. *Harcourt* had given of me, I thought I might make bold with him, and when I asked him and accosted him with that short Question, Is your Bill accepted? he made me Answer it was, and he was to receive it in the Afternoon, and thought it not fit to dispute any thing with me.

L. C. J. You don't know what Goldsmith it was upon?

Mr. *Bedloe*. It must be one that lives about St. *Dunstan's* Church or *Fleetstreet*, for he could not go far in that time.

L. C. J. Where was *Harcourt's* Chamber?

Mr. *Bedloe*. In *Dukes-street* next the Arch. Now I asked *Harcourt* afterwards whether this was part of the 15000 *l.* said he, we have not adjusted that matter yet, but he receiv'd this only as a present supply. And he did in a short time after receive as much as made it up 5000 *l.* But I asked whether it were for the old business, yes said he, 'tis for the same design, if we should fail of it by other means: (and so was the discourse to Sir George *Wakeman*.) If we should fail of it at *Windsor* then this way is to be taken, and if this fail too, we will make sure of it at *New-market*.

L. C. J. What do you know of the other Prisoners?

Mr. *Bedloe*. Mr. *Corker* I have seen with *Kaines* and *le Fevre*, but never in their Company but once, where being in the great Court at *Somerset-house* we walked out of the Court into the Piazza, and there we were speaking of our business. *Kaines* was saying to me, You brought such a Letter such a time for me and I have lost it. I do not know what to do for it. Said I, do you remember the Contents of it? Yes, said he, I do. Said I, you should take such Letters in such a Character as none could read but your self, and then burn the Letters themselves. Said he, I hope it will not come to light, for none will meddle with my Papers that can do me any hurt. I heard nothing from Mr. *Corker* that did relate positively to the Murder of the King, but *Corker* and *le Fevre* were speaking in general about the business, what Letters they had receiv'd from beyond Sea how to manage their affairs.

L. C. J. About what matter?

Mr. *Bedloe*. About the Plot, what Letters they had receiv'd from beyond Sea, and how forward they were in their proceedings here.

Corker. What did we talk about?

L. C. J. What was it about still?

Mr. *Bedloe*. It was about raising the Army, and what Interest he had with the People. It was in general, I come not to particulars.

Corker. Did *Kaines* or I, or any of us name any such thing as Plot, design, or the like?

Mr. *Bedloe*. We were discoursing of the business in general, I don't take upon me to speak to particulars.

L. C. J. What was it about, say you?

Mr. *Bedloe*. About raising an Army, what Interest he had in the people, who had been sent into the Countrey, what they had done, and the like.

Corker. Did you hear any word of killing, Army, or design?

Mr. *Bedloe*. Yes, every one of those words were used. I don't take upon me to tell how the words were placed.

Mr. *Ward*.

Mr. Ward. What say you to the rest?

Lord C. J. When was this dicourse?

Mr. Bedloe. *July* was twelvemoneth.

Mr. Ward. What say you to Mr. *Marshal*?

Mr. Bedloe. Mr. *Marshal* hath reason to know me, and I suppose will not pretend to the contrary; for he cannot but remember that I knew him when I went to the *Gate-house*. He hath carried several Letters that have been brought from beyond Sea, and others that have been writ in *England* into the Countrey, and I have been with him in *Latham's* Chamber in the *Savoy*, and *Somerset-house*, so long since as *Latham* was one of the Queens Monks. He hath carried the same Letters that I have brought from beyond the Sea, three or four, or more at a time to communicate to the Countrey Gentlemen of the Catholick party, that were Assistants to us, particularly to Sir *Francis Radcliff* and others I am sure he hath carried, and he knew what was the effect of those Letters, and what were the Answers to them; he read them as well as any of them, for I think he is of the same Order to the best of my knowledge, though I never saw him in his Habit.

Lord C. J. What was the Import of the Letters?

Mr. Bedloe. I never brought any one Letter to the Religious Fathers, and I have brought a great many, but what did import what I have now given in Evidence, and did relate to the full substance of what I say now.

Sir Ro. Sawyer. Can you mention the particulars of any one Letter that he knew the Contents of?

Mr. Bedloe. I do mention one which I very well remember and that was to Sir *Francis Radcliff*, and I remember it though it be long since because I was well acquainted with Sir *Francis Radcliff's* Son, and I brought Commendations from his Son to *England*.

Sir Ro. Sawyer. Well Sir, what was the Contents of that Letter?

Mr. Bedloe. It was a Copy of the Letter from *Le Chese* in *Paris* to the Monks and Jesuits in *England* in Answer to the first Letters that I brought over to them relating to the management of the Design.

L. C. J. Was it mentioned in that Letter what the Design was?

Mr. Bedloe. In that which I carried over to *Le Chese*, it was, that all things were in readiness and the time now drawing near, for they did hope in a year or two, or in a little time they should be in a Capacity to put this in practice, and they did not question but to subvert the Oppression and Tyranny the Catholicks were under in *England*.

Sir Ro. Sawyer. Was Mr. *Marshal* acquainted with the Contents?

Mr. Bedloe. He was one of them that used to examine the Answers. It was written to him partly, for if he were not a member of their Order, as I think he is, he was one of the Club and Consult that saw the Contents of all Letters. I have not seen him so often as I have done the others, but I believe he hath been there as often, but he hath received to my remembrance twice Letters to communicate into the Countrey concerning the Subversion of the Government, and the introducing of Popery.

Mr. Ward. What say you to Mr. *Rumley*?

Mr. Bedloe. I cannot be positive as to my own knowledge, but what Mr. *Harcourt* has said,

Lord C. J. Do you know any thing of your own knowledge by him?

Mr. Bedloe. I have been told he hath communicated Letters of this business into the Countrey. And that he was one employed when any Secret Letters were sent.

Lord C. J. So you cannot declare upon your Oath, that you know that *Mr. Rumley* knew the Contents of any Letters relating to the Plot?

Mr. Bedloe. No my Lord, I do not. I have a good remembrance of faces, but I do not remember his.

Sir George Wakeman. What day was it that I had the discourse with *Harcourt*, and received the Bill from him as you say?

Mr. Bedloe. You ask me a Question as if I were in the state I was formerly in, when I might have an Indulgence for telling a Lye. No I have no delight to Damn my Soul, to make you a Martyr; but to satisfie you as well as I can, I say, it was the beginning of *August*, or part of the beginning. I do not speak to a day.

Sir George Wakeman. How do you know it was a Bill of Exchange for this money?

Mr. Bedloe. You did read it aloud.

Sir George Wakeman. Had I any acquaintance with you?

Mr. Bedloe. No, but *Mr. Harcourt* told you who I was.

Sir G. Wakeman. And would I upon the first sight of a man discover to him what would endanger my life?

Mr. Bedloe. Ay, and an hundred times more, if *Mr. Harcourt* did but tell you I was his Confident.

L. C. J. What were the Contents of that Note?

Mr. Bedloe. It was directed to a Goldsmith, whose name I tell you I cannot remember.

Sir G. Wakeman. You are good at remembering some Sir-names, why can't you remember this name as well?

Mr. Bedloe. I can remember names that do relate to any business, but only hearing this name by the by, I cannot remember it, for I did not then think it of such consequence.

Sir George Wakeman. You do not know me?

Mr. Bedloe. Yes I do.

Sir G. Wakeman. I call God to witness I never saw you before in my life that I know of. You have a very remarkable face, and if a man had once seen you he must know you again.

Lord C. J. Who subscribed that Note?

Mr. Bedloe. I don't know, it was one of the Queens Gentlemen that *Harcourt* had it from. And whereas *Sir George Wakeman* sayes he does not know me, I did take Physick of him at the Bath?

Sir G. Wakeman. When was I at the Bath?

Mr. Bedloe. It is some years since.

Sir G. Wakeman. I never was there but once, and that was a year and an half ago.

Mr. Bedloe. No Sir, it is more than that, for you were there when the Queen was there.

Lord Chief Just. How long is it ago that you were there Sir George?

Sir G.

Sir *G. Wakeman*. It was about two years ago.

Mr. *Bedloe*. It is three years this Summer.

L. C. J. Then that is well enough ; for that is some years since.

Mr. *Bedloe*. I had acquaintance enough with him while he was there.

Sir *G. Wakeman*. I say this, my Lord, if I had been acquainted with Mr. *Bedloe*, I should have known him to be a great Rogue, which is but what he hath said of himself ; and then I should not have thought it fit to have trusted such an one with such a great Secret as this.

L. C. J. It may be he calls himself great Rogue for that which you would have applauded him for, and canonized him too. It may be he thinks he was a Rogue for going so far as he did ; but perhaps you are of another opinion.

Mr. *Bedloe*. My Lord, I could not count myself an honest man, that had consented to the death of the King and Sir *Edmundbury Godfrey*.

Sir *G. Wakeman*. But though he gives you an account of such a Bill delivered to me, yet neither he tells you the time, nor mentions the man upon whom it was drawn : Here are all the marks of falshood that can possibly be.

L. C. J. No, he does not mention the man upon whom it was drawn, nor from whom ; nor can he say that ever you received it ; but you were to receive it.

Sir *G. Wakeman*. How came he to omit that ? but because I should have no plea for my self when I came to be accused of it.

Mr. *Bedloe*. Pray Sir *George* don't press me to say more than I know. I do tell you all that I can say, of my self.

Mr. *Recorder*. Have you any more Questions to ask him ?

Marshall. I ask you this Question ; First, Why will you damn your soul to send me to Heaven ? Lay your hand upon your heart, and in the presence of God declare whether ever you saw me in your life, before you came to the Gatehouse ? Whether ever you saw me in any part of the world whatsoever ? And whereas you say now that I owned that I knew you there ; it was so far from it, that all the company that were there, will say that you did not know me, and declared your self a stranger to me.

Mr. *Bedloe*. No, Sir, pardon me ; you did not deny but that you had seen my face.

Marshall. No, all the Company that were there will say that you owned your self a stranger to me ; you told me, Mr. *Marshall*, *Be not afraid, I will do you no hurt*. But Mr. *Bedloe*, Where have you seen me ?

Mr. *Bedloe*. At the *Benedictine* Convent in the *Savoy*. And, my Lord, the first word that I said, when I saw him, was, that this mans name is *Marshall*, and he carried such and such Letters into the Countrey, and Sir *William Waller* can testifie the same.

(Who standing upon the Bench, was sworn).

Mr. *Recorder*. Mr. *Marshall*, you had best to hearken to what Sir *William Waller* says.

Sir *William Waller*. My Lord, I went to the Prison to see Mr. *Marshall*, and Mr. *Bedloe* was there with me, Mr. *Bedloe* asked him if he did not know him, and called him by his name ; he declared he had seen him before, but said he did not know him.

L. C. J. Did he call him by his Name as if he knew him ?

Sir William Waller. Yes, my Lord, he did.

L. C. J. Look you, Mr. Marshall, he says that you your self owned that you had seen him before, though you were not of his acquaintance.

Marshall. What Sir William Waller says, I must oppose, though I am extremely sorry so to do. Sir William, you may please to remember, that you came to me after Mr. Bedloe was gone.

Sir William Waller. No, I was there with you before he came in.

Marshall. I believe those of the Gatehouse do remember that I spoke with Mr. Bedloe in private in an interior Room; what you spoke was in the open Hall there. You asked me whether Mr. Bedloe had not been there? I told you yes, that was in the publick place; whereas Mr. Bedloe talked with me only in a private Room.

Sir William Waller. My Lord, what I have said is upon my Oath, and 'tis nothing but the truth.

Marshall. And I am upon my life, therefore I am very sorry I must for the truth sake, and defence of my life, contradict what you say. What your Worship and I spoke was in the publick Room; but what discourse Mr. Bedloe and I had, was in another private Room.

L. C. J. Look you, Sir William Waller, was you there when Mr. Bedloe was with him?

Sir William Waller. I was, my Lord.

L. C. J. Where?

Sir William Waller. In the common Room.

L. C. J. What did he say concerning Mr. Bedloe in the common Room?

Sir William Waller. Mr. Bedloe called him by his name, and asked if he knew him? he said he had seen his face, but did not know him.

L. C. J. Do you hear that Mr. Marshall?

Marshall. Truly, my Lord, it goes against my heart to speak any thing in opposition to what Sir William Waller says, for I would not for all the world reflect or say any thing that should glance upon Sir William Waller, as if he had taken a false Oath; but all in the Gatehouse, nay Mr. Bedloe himself knows that he had discourse with me in a private Room before Sir William Waller came.

L. C. J. Mr. Bedloe speak your self; was Sir William Waller there when you came to the Gatehouse?

Mr. Bedloe. My Lord, I had an Order from the Council-Board to go and see the Prisoner, there was no body that told me his Name, nor that I knew, knew it, but I would not do it, I was so cautious, but in the hearing and company of a Justice of Peace, and therefore I went away before they had called him down, and I went to see if the House of Commons were sitting; and when I came back, Sir William Waller was just coming thither, and so I went in with him, for I met him at the bottom of the Stairs. We came into the common Room, and there was Mr. Marshall with the Keeper, and I was in no other Room, but the common Room. And Sir William Waller withdrew to the end of the Room while I asked him some Questions; and pray will you please to ask Sir William Waller whether I did not call him by his name as soon as I saw him?

Sir *W. VValler*. Yes, my Lord, he did : He asked him if his name was not *Marshall*? and whether he did not know him? And he said he had seen his face, but had no acquaintance with him.

Marshall. Were not you with me first in that Room which turns in on the right hand from the common Room?

Mr. *Bedloe*. I do not know any such Room in the *Gatehouse*.

Marshall. There were your Guards, Mr. *Bedloe*, and there were several others in the *Gatehouse*; they cannot but remember what Room I was brought into. They cannot possibly but remember, that when Sir *William Waller* came to me, he asked me whether Mr. *Bedloe* had been with me.

L. C. J. Look you, Gentlemen, they have done, call what Witnesses you will, and make your defence as well as you can.

Marshall. My Lord, I did not think or imagine any such thing would be spoke of; or that there would need any attestation for it.

L. C. J. Look you, they have done; we will hear what your Witnesses will say, as long as you will.

Marshall. My Lord, Mr. *Bedloe* seem'd a perfect stranger to me when he came to the *Gatehouse*; and to encourage me, told me, Mr. *Marshall* (says he) *do not fear, I will do you no hurt at all. Did not you send (said he) to such an one, to have Mr. Bedloe questioned about such and such things?* Which I denied, and he did not seem by any word that he spoke, to have seen me before in his life.

L. C. J. He told Sir *W. Waller* your name was *Marshall*, though you went by a wrong name, the name of *Marsh*.

Marshall. He might easily know my name by those that took me.

L. C. J. But I tell you, you went by a wrong name then, *Marsh*.

Marshall. My Lord, I am called promiscuously *Marsh* and *Marshall*. But *Marshall* is the name I own.

L. C. J. And that is the name he knew you by.

Marshall. I did not call my self *Marsh* when I was taken, but told my true name.

Mr. *Bedloe*. My Lord, I did not hear of any name at all, but I said, This is *Marshall*, one of the *Benedictine* Monks, as soon as I came in.

Marshall. Mr. *Bedloe* seem'd to encourage me to hope, and bid me not fear; said he, You will have an Honourable Bench, and a good Jury. And this they that were there, can testify.

L. C. J. Call them: call your Witnesses.

Marshall. But, my Lord, I did not know any thing of this. And Sir *W. VValler*'s Question that he asked me was, if Mr. *Bedloe* was with me.

L. C. J. You hear what he says.

Marshall. I am infinitely loth to say it, because he swears it; and you well know, Mr. *Bedloe*, you talked with your Guards a while, and then turned at last to me.

Mr. *Bedloe*. Yes, I did talk with my Guards, but Sir *W. VValler* was in the room as well as I.

L. C. J. By what name were you committed?

Marshall. I had Letters about me writ to me by that name; and I thought it my duty to answer to that name that the Letters did call me by.

L. C. J. Well, have you any Witnesses?

Marshall. This is a surprize, I did not know of any such thing.

L. C. J. Have you any Witnesses, Sir *George Wakeman*?

Sir *G. Wakeman*. Yes, my Lord, I have several.

Marshall:

Marshall. But Mr. *Bedloe*, can you say you have seen me any-where before you saw me at the Gatehouse?

Mr. Bedloe. Yes.

Marshall. Where?

Mr. Bedloe. At the *Savoy*.

Marshall. And any where else?

Mr. Bedloe. Yes, and at other places.

Marshall. Name one other place in the whole world, and I will be contented to dye.

Mr. Bedloe. I will tell you why I cannot name any other place positively. I did carry the Letters thither, there were the Consults about them, and there I used to converse with you most.

Marshall. Can you prove that ever you were in the *Savoy* in your life? and I will be hang'd without any thing more to do. If you can prove it either by Man, Woman, or Child, I will go to the Gallows, and will not say one word more.

Mr. Bedloe. My Lord, I have other Witnesses, but at present I cannot produce them: there are some in *Kent*, they are some of them in one Country, and some in another, I reserve them for another time, but there is Oath made of it before the secret Committees of the Lords and Commons.

L. C. J. How can he imagine that this should be put upon him? therefore you may well believe that he hath never a Witness present. It may be he hath none can prove he ever was at *Westminster Hall* in his life, for who could imagine such a Question should be put to him?

Marshall. Having been there several times, I suppose he did not use to go alone; 'tis impossible, but if they had been with him often there, he might prove it; if he say true, sure some should attest it.

L. C. J. 'Tis likely it should be so, but he hath them not here.

Mr. Just. Pemberton. Why, do you think he can bring Witnesses for every Act that he did in his life?

Marshall. If he have them not here, let him have time to produce them.

L. C. J. He hath a Witness in *Kent*, would you have us keep up the Jury till he sends for his Witness out of *Kent*?

Mr. Bedloe. There is my Landlord, at whose House I lay so long, can testify it.

Marshall. Who is that?

Mr. Bedloe. Mr. *Cott* a Beltmaker in the *New Exchange*. He hath gone often with me when I have gone into the Convent, and he hath gone round about, and his Maid that used to carry the Portmantle, wherein I brought over the Letters from beyond Sea.

L. C. J. Can you name any one body that ever see you in the *Savoy*?

Mr. Bedloe. I do name one; and besides, my Lord, I lay in the *Savoy* half a year at one *Woodroffs*.

Marshall. Was that the place you saw me in?

Mr. Bedloe. No, no body came there but Monks and Messengers.

Marshall. Was you there at the time when the *Savoy* was searched?

Mr. Bedloe. No, but I gave Sir *William Valler* directions to search in the most material places of it.

Mr. Recorder. He says a material thing, if he be in the right, that he did give directions to Sir *William Valler* to search in the most material places of the *Savoy*. We will ask that Question of Sir *William* whether he did or no?

Sir

Sir W. Waller. Both *Mr. Oates* and *Mr. Bedloe* did give me directions to search in the *Savoy*; they told me of such a particular Room where *Pickering* lay, and where such a Closet was, and many other things; and it was by their directions that I made the search.

L. C. J. Look you what *Sir W. Waller* says; He says that both *Mr. Oates* and *Mr. Bedloe* did describe several Rooms to him in the *Savoy*, which it was impossible for them to make such a description, if they had not been there before.

Marshall. I desire to know when that description was given?

Sir W. Waller. Two or three days before I took *Mr. Marshall*.

Marshall. *Mr. Oates* made searches there before.

L. C. J. But we speak of *Bedloe* now.

Marshall. But *Mr. Bedloe* might have knowledg from him and others that were there.

L. C. J. Do you think he must needs go officiously to inform *Bedloe* of what he found, upon an imagination that such a Question should fall out hereon? And if he receiv'd no information, how then could he describe the Rooms without he knew them?

Marshall. May there not be several Houses that I may give a description of, upon the hearsay of others, though I were never in them my self?

L. C. J. No, I know not very well how; and there is no reason you should imagine he receiv'd information from *Oates*.

Marshall. My Lord, there is reason enough, because both do combine in the same accusation.

Mr. Bedloe. My Lord, I gave *Sir W. Waller* directions to search in such a place, under such a Bench in *Pickering's* Apartment, where he found the Gun that was to kill the King.

L. C. J. Well, call your Witnesses, *Sir George*.

Sir G. Wakeman. Call *Mr. Chapman*.

L. C. J. But before they begin, *Sir Robert Sawyer*, we must do all the right to every one we can; I do not find by the strictest observation that I have made, that *Mr. Bedloe*, who is the second Witness, does say any great thing, any material thing against any one of them; but as for *Rumney*, he says nothing at all. He says, in effect, against *Sir George Wakeman*, no more than this, That he saw *Harcourt* give him a Note for 2000*l.* which he said was from the Queen; upon which *Sir George* said he was more beholden to his good Lady and Mistress, than to any of them all. The Note he does not know who drew it, nor upon whom it was drawn; nor does he say what it was for, more than what *Harcourt* told him, which was in doubtful words, That it was about the old business; but *Harcourt* did not tell him this in the presence of *Sir George Wakeman*, but he spoke to *Harcourt* about it. It is no more, than *Sir George Wakeman* receiv'd from *Harcourt* the Bill of Exchange, he does not know upon whom, nor for what.

Sir R. Sawyer. My Lord, he says more, with submission; for he says this further, That there was a discourse about the business; and he did tell you, That *Sir George Wakeman* should complain that they had not done well with him, and asked why he was drill'd on; but when the Note was produced, he said, My matters are already prepared, but you are not so ready to perform your promises. Then said *Harcourt*, If you are ready for us, we are ready for you; and told him, If he did not do it, they would do it at *New-Market*.

L. C. J. What is all this? Pray *Mr. Bedloe* stand up again. We are now in the case of mens lives, and pray have a care that you say no more than what is true upon any man whatever. I would be loth to keep out Popery by that way they would bring it in, that is by Blood or Violence. I would have all things go very fair. Pray what, upon your Oath, was the first part of *Sir George Wakeman's* discourse with *Harcourt* when they met?

L. C. J. North. Relate again your whole knowledg concerning *Sir George Wakeman*, and the Bill of Exchange, and the discourse after it, because we are now upon the consideration of it, what effect it will have upon him.

Mr. Bedloe. My Lord, I was with *Harcourt* in the Chamber, and *Sir G. Wakeman* came in, and walked a turn or two about the Room, and seem'd to be discontented. How do you, *Sir George*, said *Harcourt*? Says *Sir George*, For what am I drill'd on thus in a concern of this importance? What is the matter with you, *Sir George*, said *Harcourt*? Why, is this a business to be slighted, said *Sir George*, as I am? for I have no performance of your promises. Why, said *Harcourt*, what would you have? We are ready for you. Then said he, I am ready for you. And then *Harcourt* spoke merrily to him, Why are you so angry, *Sir George*? And upon that he goes to his Cabinet, and searching among his Bags, he found a little Note among them, and gave it to *Sir George*; saith he, There is a Bill for you: I have been to day at *Whitehall*, and receiv'd it by the Queens Order, from such a Gentleman [whose name I cannot now remember]; and 'tis upon such a man for 2000 *l.* [But I cannot remember the Goldsmiths name neither]. Well, said *Sir George*, 'tis well some body gives me encouragement; I have more encouragement from my good Lady and Mistress, than from any of you. Nay, said *Harcourt*, for encouragement, that you shall not want; for the rest shall be paid in due time.

Sir G. Wakeman. If the Queen had given me 2000 *l.* for the service I had done her, was that any harm? I have deserved it, I am sure, for nine years service.

Sir R. Sawyer. What other discourse had they then?

Mr. Bedloe. Said *Harcourt*, But *Sir George*, this must be well followed, and closely observed, because so much depends upon it; for if we should miss to kill him at Windsor, or you miss in your way, we will do it at New-Market.

L. C. J. Who said so?

Mr. Bedloe. *Harcourt*.

L. C. J. Did *Harcourt* say before *Sir George's* face, If we miss killing him at Windsor, and you miss your way, we will do it at New-Market?

Mr. Bedloe. Yes, he did say, If we miss killing him at Windsor, and you miss in your way (which we hope you will not) we will do it at New-Market.

L. C. J. He says now quite another thing than he said before.

L. C. J. North.

Mr. Recorder. } No, He said the same before.

Sir R. Sawyer. }

L. C. J. What Answer made *Sir Geo. Wakeman*?

Mr. Bedloe.

Mr. *Bedloe*. Sir *George Wakeman* said, If I find you ready, I will be ready in all things.

L. C. J. Was the word spoke of *P O Y S O N I N G*?

Mr. *Bedloe*. I have spoken that already. *If we miss at Windsor, and you miss in your way*; I do not remember whether the word *Poyson* was used; but I knew by what Mr. *Harcourt* and others had told me, that *Poyson* was meant by it.

L. C. J. Was all this one intire Discourse?

Mr. *Bedloe*. Yes, my Lord.

Then Sir George said privately to his fellow-Prisoners,

There is my business done.

Sir *R. Sawyer*. Here is a positive proof of the receipt of money, which coupled with what *Oates* says, and the discourse that Mr. *Bedloe* tells you off, makes it out what it was for. This was paid in part, was it not, Sir?

Mr. *Bedloe*. The Answer that Mr. *Harcourt* gave to Sir *George*, was, That he should have the rest in due time.

L. C. J. But what say you to *Marshall*, but that he carried Letters?

Sir *G. Wakeman*. Was there no body present but you?

Mr. *Bedloe*. There was only *Harcourt*, you, and I.

L. C. J. But what say you to *Corker*?

Mr. *Bedloe*. *Corker* hath been in the company with *Le Faire*, talking of News, what encouragement they had by Letters from beyond Sea, as those they had from *France*; such and such Letters speak that they are in readiness of Money, Men, and Arms; and if we are ready here, they are ready for us. This was usually the discourse, and all upon the same design. Now when we talked of this business, we did not say the word *PLOT*, but we all know what was intended by it, that is the Plot.

L. C. J. And what said *Corker*?

Mr. *Bedloe*. He said it was well. He did know what readiness such and such persons were in when the design was likely to take effect. I know not their names; we were talking of several persons several times, some in *England*, and some beyond Sea.

L. C. J. What can you say to *Marshall*?

Mr. *Bedloe*. I do say, that he hath been to consult of the return of Letters which were the Answers to those I brought from beyond Sea.

L. C. J. Did he know the Contents of those Letters?

Mr. *Bedloe*. Yes, my Lord, he hath been in Consultation what Answer to make again.

L. C. J. And was all this about the Plot?

Mr. *Bedloe*. Yes, for the subverting the Protestant Religion, and bringing in Popery, and raising of an Army.

Marshall. Can you prove I knew any of those Gentlemen the Letters were carried to?

Mr. *Bedloe*. I name one, that was to Sir *Francis Radcliff*.

Marshall. How does he know that I know Sir *Francis Radcliff*?

L. C. J. Well Sir *George*, will you call your Witnesses?

Sir

Sir *G. Wakeman*. Call Mr. *Chapman* (which was done). My Lord, there was a Letter or Note of directions from me to Mr. *Ashby*, and 'tis affirmed by Mr. *Oates*, that in that Letter I should let Mr. *Ashby* know I did approve well of the Proposals that were made to me to poyson the King, and that the Queen would assist me in it; and that in the same Letter there were directions given what he should take, and how many strokes of the Pump he should make use of, and several other things fit for a Physician to direct his Patient in. Now, my Lord, I will prove by this Gentleman Mr. *Chapman*, who is Mayor of *Bath*, that he received this very Note from Mr. *Ashby*, that he read it from the beginning to the end of it; that there was no word in it, or mention of the King or Queen in the whole Letter, unless it be of the King or Queens *Bath*. And, my Lord, I think he hath a piece of this Letter still, that part that was the Physical part he tore off, and kept himself: Now 'tis none of my hand, I never writ a Letter to *Ashby* upon any occasion whatsoever; and I will tell your Lordship how it came to pass, I did not write that Letter, I hope by a Providence, for I never but used to write my Physical directions with my own hand. It happened that I came home late, and I was very ill; *Ashby* sent to me for his Note, because he was to go out of Town the next morning; being weary and indisposed, I laid me down on the Couch, and sent for my man, who is an Apothecary now, and is the better able to write such a Letter; I dictated the Letter to him, all my Family, and all that were by, can testify the same; he knows very well my hand, and hath part of it to produce; for when the Queen was there, I made use of him for my Apothecary, and those Physical directions I sent down for the *Bath*, I sent always to him. He is a very good witness as to my hand.

L. C. J. But you may speak of one Letter, and Mr. *Oates* of another.

Sir *G. Wakeman*. Why, did I write two Letters of directions? what need that? He says he saw a Letter with my name subscribed to it.

L. C. J. Yes, it was so, and that you should be assisted by the Queen to poyson the King; and being asked how he did know that was your hand? he said, I did not see him write, but I saw him in the posture of writing; and when he went away, there was left on the Table, and the Ink was not dry, a Physical Bill, which was the same hand with that the Letter was.

Sir *G. Wakeman*. Ay, My Lord, but he does not call that a Letter, but it was a Physical Bill, and not a Letter; so that there was but one Letter.

L. C. J. But there was a Note of Physical directions in the Letter.

Dr. *Oates*. That Letter was at least half a sheet of a side, close written, wherein were those passages that I mentioned; but I cannot give an account of all contained in it; but this my Lord I remember, that he should take a pint of Milk in the morning, and a pint of Milk in the evening, and should have so many strokes at the Bath; but this was several days before *Ashby* went to the *Bath*, I believe at least ten. Presently after, he came to Town. And I say, that this Letter that the Court asks me how I prove it to be his hand, I prove it thus: I saw him write a Bill to an Apothecary for Mr. *Ashby* to take something when he was in Town.

L. C. J.

L. Ch. Just. But was that business of being assisted to kill the King in the same Letter that the Physical Directions were in?

Dr. Oates. Yes, my Lord.

Sir G. Wakeman. Then 'tis the same Letter.

L. Ch. Just. How does that follow? might there not be two?

Sir G. Wakeman. There is only that part of it which is the Physical Prescriptions, he hath torn off the other part.

Then Mr. *Chapman* was Examined.

Mr. Chapman. My Lord, the 17th of July last Mr. *Thimbleby* came to the Bath.

L. Ch. Just. Who?

Mr. Chapman. Mr. *Thimbleby*; a man of about fourscore years of age, a very feeble and infirm man. Assoon as he came to me, he told me that Sir *George Wakeman* recommended me to him, and desired me that I would provide a Lodging for him as near the King and Queens Bath as I could: I did so; and then he shewed me a Letter from Sir *George*, whereof this was the lower part of half a sheet of Paper; there was full directions how to take the Physick, and after the taking the Bolus to drink the Waters so many days, and then to use the Bath, and after that the Pump, and after that he was to take a Dose of Pills after his Bathing. I took off this Latin Bill that concerns me, my Lord, and gave him the English part.

L. Ch. Just. Did you read the English part?

Mr. Chapman. My Lord, my Son did read it as well as I, who should have come up and testified the same, but that it is impossible for both my Son and me to leave the Shop and come together, because of my Employment.

L. Ch. Just. But in that Letter there was nothing mentioned of killing the King, was there? nor of the Queen?

Mr. Chapman. No, my Lord, not upon the word of a Christian, except it were the King and Queen's Bath.

Then the Paper was shewn him.

L. Ch. Just. Whose hand is that? Do you believe it is Sir *George's* hand?

Mr. Chapman. No, my Lord: I have brought some of Sir *George Wakeman's* Bills here.

L. Ch. Just. Do you know whose hand it is?

Mr. Chapman. No, my Lord.

Mr. Just. Atkyns. What Name was subscribed to that Letter?

Mr. Chapman. There is none subscribed to this Paper.

L. Ch. Just. Was there no name to it?

Mr. Chapman. I did not take notice of that.

L. Ch. Just. But look you, this cannot be that Letter, because that Letter Mr. *Oates* speaks of was of Sir *George's* own hand, as he thinks by comparison, and his Name subscribed to it.

Sir G. Wakeman. I never writ any other Letter, but what was dictated to my man, and sent by *Ashby* to the Bath. My Lord, he hath owned it himself before the House of Lords that I writ but one Letter, and I had my liberty before. Now it was told him there, that if he had mentioned that Letter when I was examined before the Council, I had been certainly taken into Custody then, and should never have had my liberty so long. I had my liberty from the last of September, and could have gone

to *Constantinople* in the time I had my liberty, and certainly I should have provided for my self if I had known my self guilty, seeing so many cast into Prison upon that account.

Mr. Recorder. 'Tis not probable that Mr. *Asbby* would communicate such a Letter to this Gentleman, that had such a design in it.

Sir G. Wakeman. But if any one can let him prove that I had any other business with him, than meerly the business of a Physician with his Patient. My Lord, I have a Physician in Town that will testify that I was to meet him in Consultations about *Asbby*.

L. Ch. Just. The answer is no more than this, that you did write a Letter, or there was a Letter writ by your Directions, to *Asbby*, which hath not any such matter in it as *Oates* speaks of, but this answers not Mr. *Oates*'s testimony; 'tis true, the Question will be upon Mr. *Oates*'s credit, how far the Jury will believe him: If Mr. *Oates* swear true, then you did write another Letter, and this is not the Letter, and there is no contradiction in your answer to what he says, but Mr. *Oates* stands with the Jury how far they will believe him.

Sir G. Wakeman. Gentlemen of the Jury, take notice I never writ any Letter but that.

L. Ch. Just. How does that appear? If Mr. *Oates* swears true, you did write another Letter.

Mr. Just. Atkins. Mr. *Chapman*, was there any mention of milk in that Letter?

Mr. *Chapman*. No, my Lord: It is ridiculous to drink Milk with the Waters, it will make it curdle.

Dr. *Oates*. That is not the hand the Letter I saw was in.

L. Ch. Just. He says 'tis not the same hand.

Dr. *Oates*. It was another, a gentile hand.

Mr. Just. Pemberton. And there was no mention made of milk in it; the Contents are not the same.

Sir G. Wakeman. The Contents were the same: but as for the milk it is so ridiculous a thing, that never a Physician in *England*, but will say 'tis perfect poyson. I appeal to Mr. *Chapman*, who hath so long known the way there used, if any one prescribed milk to any one that took the Waters.

L. Ch. Just. Mr. *Oates*, was there in the Letter you saw, where mention is made of the strokes that were to be received from the Pump, any mention of the milk to be taken?

Dr. *Oates*. The direction of the milk was for the time he staid in Town.

Mr. Just. Atkins. The milk was to be used while he staid here, was it?

Dr. *Oates*. Yes, my Lord.

L. Ch. Just. Look you, there were two things that he should do, the one of them was to be done while he was here, that was the milk; the other was to be done when at the *Bath*, and that was the strokes.

Sir G. Wakeman. No, 'tis no such thing; for he went away two days after that Letter was written.

Mr. Just. Pemberton. Mr. *Chapman*, is this part of the body of the Letter?

Mr. *Chapman*. Yes, my Lord, upon the word of a Christian; I tore it off my self.

Mr. Just.

Mr. Just. Ellys. If *Dr. Oates* swears true, it cannot be the same Letter.

L. Ch. Just. Your answer to it, which should make it improbable, is, That it is ridiculous to prescribe milk. Now he says those were Directions what he was to do before he went to the Bath.

Sir G. Wakeman. Why should I repeat the number of the strokes twice, and write two Letters about one thing?

Mr. Just. Pemberton. Is there any Date upon that Letter?

Mr. Chapman. No.

Mr. Just. Pemberton. Off of what part of the Letter did you tear it?

Mr. Chapman. Off the bottom of it.

L. Ch. Just. North. What, it was writ cross was it?

Mr. Chapman. Yes, I believe so.

Mr. Just. Atkyns. The truth of it is, This is no Evidence, and ought not to be offered as such, for 'tis but part of a thing which we do not know what it was in the whole.

Mr. Chapman. I can give it upon my Oath, that there was nothing in it of the King or Queen, except the King or Queens Bath.

L. Ch. Just. *Mr. Oates*, if I remember right, you say the Directions that you saw were at the beginning of the Letter.

Dr. Oates. He was very weak when he came to Town, and his Directions to him then were, That he should take a pint of Milk in the morning, and that when he went to the Bath he should have a hundred strokes, or thereabouts.

L. Ch. Just. Was this in the beginning of the Letter?

Dr. Oates. It was after a line or two that was Complements.

L. Ch. Just. Was there any Receipt for Physick in Latin in it?

Dr. Oates. No, my Lord, there was not; no, my Lord, it was half a sheet of Paper; it was full of it self to the bottom; this is not the Letter, my Lord.

Mr. Just. Pemberton. He says this is neither the hand, nor the name subscribed, nor the Contents of the Letter, all these differ.

Sir G. Wakeman. I'll tell you the reason why my name was not subscribed, I was sick, my man is here to witness that he carryed it himself, and delivered it to *Alhby*.

Mr. Just. Pemberton. But, *Sir George*, you do not observe that to the Letter which he saw your name was subscribed.

Sir G. Wakeman. This then is that I desire may be taken notice of, 'tis not probable that I should write two Letters for the same thing, and I never writ any other Letter in my life.

L. Ch. Just. This is that you say, and let it be taken notice of, that it is not probable that you should write two Letters for the same Directions how he might use the Bath.

Mr. Just. Pemberton. This might be writ to serve a turn very well.

Sir G. Wakeman. Then I'll tell you the reason why my name is not to it, and so I satisfy you about it as much as I can; I was very ill after I had dictated that Letter to him, and went immediately to Bed. It was not writ very fair, or something was left out which he interlined, and so he transcribed it again in his own Chamber, and I was then asleep, and so did not put my name to it, and he went away two hours in the Morning before I awoke.

Mr. Just.

Mr. *Just. Atkins*. Who wrote the Letter? Was the Letter you tore off in the man's name, or in Sir *George's* name?

Mr. *Chapman*. I know not who wrote it.

Mr. *Just. Atkins*. Was it said to be, By my Master's directions? What were the Contents of the Letter?

Mr. *Chapman*. It was only thus, *As soon as you come to the Bath, after resting a Day, in the first place take your Bolus, and after drink the waters, which he did for six days together.*

Dr. *Oates*. My Lord, I would answer to this: This was not the Letter, for therein he only told him what he should do before he went to the Bath; and how many strokes he should receive: Besides, my Lord, there was not one Syllable of the *Bolus* in the Letter, or what Bath he was to go into; but when he came there he was to receive so many strokes of the Pump.

Sir *G. Wakeman*. Nor one Syllable of the Milk in it neither.

Dr. *Oates*. Yes, there was; he did take Milk night and morning, for I attended upon him.

Sir *G. Wakeman*. My Lord, you see this Witness is a *Protestant*.

Mr. *Just. Pemberton*. Mr. *Oates*, you say that the Letter that you saw was written ten days before he went to the Bath?

Dr. *Oates*. Yes, if not more.

Sir *G. Wakeman*. Why should I tell him of an hundred strokes so long before he went to the Bath?

L. Ch. *Just*. You might mention it to give him satisfaction. Well, have you any more?

Sir *G. Wakeman*. Yes, my Lord. Call *Hunt*.

Who stood up.

L. Ch. *Just*. What do you call him to, Sir *George*?

Sir *G. Wakeman*. This is my man. What do you know concerning a Letter of Directions that was sent to Mr. *Ashby*. Give an Account of it.

Hunt. If it please your Honour, my Master was out late, and coming home, I told him Mr. *Ashby* had sent for some Directions for the Bath; and being weary and indisposed, (for it was late, and he was not well) said he, *I cannot write myself, do you take my Pen and Ink and write.* I did take the Pen and Ink and write; and when I had written, something was false in it, *Pray*, said he, *correct that*: I did so, and interlined it, and when my Master was in Bed I writ it over again, and the next morning, before he was awake, I carryed it to Mr. *Ashby* my self, and there were only directions in it what to do at the Bath.

L. Ch. *Just*. When was Mr. *Ashby* to go to the Bath? How soon after?

Hunt. He was to go the next morning.

L. Ch. *Just*. If what Mr. *Oates* swears be true, this Letter that he saw was ten days before, so what he speaks is quite another thing.

Sir *G. Wakeman*, I never writ any such Letter in my life, and I hope the Jury will take notice of it.

Mr. *Just. Atkins*. Do you know any thing of Mr. *Ashby's* drinking Milk while he was here?

Hunt. No, but he was saying he was advised by a Friend of his to drink Milk.

L. Ch. *Just*.

L. Ch. Just. When at the Bath?

Hunt. No, when he was in Town.

L. Ch. Just. When he was in Town: that is consistent with Mr. Oates's Testimony.

Sir G. Wakeman. My Lord, there is a Physician that was in Consultation with me about Mr. Ashby, I think it of great consequence to shew that I came to him about no Treasonable Affair, I vow to Almighty God I did not.

L. Ch. Just. If you have any more Witnesses, call them.

Sir G. Wakeman. Call Elizabeth Henningham.

Who stood up.

L. Ch. Just. Sir George, What do you ask her?

Henningham. I was present, my Lord, at the writing of the Letter. His Servant writ, and he dictated to him, every word of the Letter I saw, but there was no such thing in it.

L. Ch. Just. I am very confident that this is true that you say, but it is not to the thing that Mr. Oates speaks of, and charges you withal: that you did write such a Letter as these people mention, and there was nothing in it, but like a Physician's Directions to his Patient, I do believe, and this was just when he was going to the Bath, but Mr. Oates tells you (if he says true) that this Letter he speaks of, to which *George Wakeman* was subscribed, was ten days before he went to the Bath; and that there was no mention of any *Bolus* in that, but the Direction was in the first part how he was to use himself, while he staid in Town to drink Milk, and when he came to the Bath to use the Pump; so that this your Witnesses say, and you urge, is true, but not pertinent.

Sir G. Wakeman. I say, my Lord, it is not probable that I should write Directions so long before he went.

Henningham. My Lord, he said himself he wanted Directions to go to the Bath in my own hearing.

Mr. Just. Pemberton. Yes, he might, and indeed he did so, for the first contained none, but how he should behave himself while he was here.

L. Ch. Just. Have you any more Witnesses, pray call them.

Sir G. Wakeman. My Lord, I have this to say, as I told you before, that I had my Liberty for twenty four days after my Examination before the Council. Mr. Oates was call'd to the Bar of the House of Commons, and there gave an account of this very Letter that he mentions now, I say it was at the Bar of the House of Commons. And thereupon the Commons sent an Address to the House of Lords, with astonishment that I was not under Confinement; and thereupon Mr. Oates was called to the Bar of the House of Lords, and was commanded to give an Account what it was he knew concerning me, that should create such an astonishment in the House of Commons: He told them of this Letter, and my Lord Chancellour said to him, *Do you know it was Sir G. Wakeman's hand?* No, said he: *How do you know it was his Letter then?* I know it only by this, said he, it was subscribed *George Wakeman*. If he had such proof as he says he hath now, if he had seen me writing, and came into the Room where the Paper I writ was yet wet, whether he would not have mentioned it there when he was Examined about the knowledge of my hand.

L. Ch. Just. Call your Witnesses: but what say you, Mr. Oates, your self to it?

Dr. Oates. My Lord, Sir *George Wakeman* had his liberty because I was so weak, by reason of being up two nights together, one whereof was so very wet, and being hot, wet, and cold, all in a few hours time, so that I thought it would have cost me my life; not being used to such hard services, I did not charge Sir *George* so fully: though it may be objected to this Court, that I was bound to speak the whole truth; and so I did, as opportunity and health would give me leave. And as to the Letter, and what I said about it in the Lords House, Sir *George* is mistaken. He says here that I said I knew his hand no otherwise, but by seeing Sir *George Wakeman* subscribed to it.

Sir G. Wakeman. I will prove it by the Record.

Dr. Oates. Now, my Lord, I humbly desire that he may propose his Questions to the Court: And I desire to know whether I did say, I did not know it any other ways but by its being signed *George Wakeman*.

Sir G. Wakeman. Pray, my Lord, be pleased to give me leave----

L. Ch. Just. Mr. Oates, did you mention in the House of Lords whether you knew his hand or no?

Dr. Oates. My Lord, I cannot call to mind what I then said. I did say I saw such a Letter signed *George Wakeman*; but if he will bring the Record, and one that shall swear those were the words, I will leave it to the Jury. But this, my Lord, I would add, if you will give me leave, the words I did say, as near as I can remember, were these; when they asked me how I knew Sir *George Wakeman*'s hand, I said, I saw such a Letter signed *George Wakeman*. Now, my Lord, upon this Information they did think fit to take Sir *George Wakeman* up, and secure him; and now I come face to face, and am not only to satisfy Judges, but a Jury; I shew you what Reasons I have to believe it, and what they may have, that it was his hand: For I say I saw him in a Writing posture, I saw him lay by the Pen, I saw him withdraw from the Paper, I saw none but another Gentleman there that was lame of both his hands, and the Ink was not dry, and it was the same hand with the Letter.

Sir G. Wakeman. Was my Name to that Note?

Dr. Oates. No, I will not swear that; but the Character of the hand was the same, if I may judge of writing.

L. Ch. Just. North. Look you, Sir *George*, you spoke of Witnesses you would call to prove what he swore in the House of Lords; if you can call any Witnesses for that, do.

Sir G. Wakeman. Call Sir *Philip Lloyd*: I hope your Lordship will please to allow me at least this advantage (I know not whether it be an advantage) that the Record of the House of Lords may be made use of as a Record here. If I prove it by the Record it will be a good Evidence.

L. Ch. Just. Have you that Record here?

Sir G. Wakeman. I have a Copy of that Record, and a Witness that will swear it.

Then Sir *Philip Lloyd* appeared, and stood up.

L. Ch. Just. What do you ask Sir *Philip Lloyd*?

Sir G. Wakeman. I desire to know of Sir *Philip Lloyd*, what Mr. Oates said of me before his Majesty and the Council the last day of September,
Sir

Sir, you were there present, and sent by the King to me, and commanded to bring me in to the Council.

Sir Philip Lloyd. I will, my Lord, as well as I can, recollect and tell you as near as I can what *Mr. Oates* did then accuse him of. It was upon the one and thirtieth day of *September*, *Mr. Oates* did then say he had seen a Letter, to the best of his remembrance, from *Mr. White* to *Mr. Fenwick* at *St. Omers*, in which Letter he writ word, that *Sir George Wakeman* had undertaken the poysoning of the King, and was to have 15000 *l.* for it; of which, 5000 *l.* had been paid him by the hands of *Coleman*. *Sir George Wakeman* upon this was called in, and told of this Accusation, he utterly denyed all, and did indeed carry himself as if he were not concerned at the Accusation, but did tell the King and Council he hoped he should have reparation and satisfaction for the injury done to his honour. His carriage was not well liked of by the King and Council, and being a matter of such consequence as this was, they were willing to know further of it; and because they thought this Evidence was not proof enough to give them occasion to commit him, being only out of the Letter of a third person, thereupon they called in *Mr. Oates* again, and my Lord Chancellour desired *Mr. Oates* to tell him if he knew nothing personally of *Sir George Wakeman*, because they were in a matter of moment, and desired sufficient proof whereupon to ground a Commitment; *Mr. Oates* when he did come in again, and was asked the Question, did lift up his hands (for I must tell the truth let it be what it will) and said, No, God forbid that I should say any thing against *Sir George Wakeman*, for I know nothing more against him. And I refer my self to the whole Council whether it was not so.

Dr. Oates. I remember not one word of all this.

Sir G. Wakeman. My Lord, this is a Protestant Witness too.

Dr. Oates. My Lord; give me leave to make an Answer: when I did report this Letter, the Council did ask me whether or no *Sir George* was any ways concerned in this Letter, I replyed, I had it by Report, that *Sir George* had received 5000 *l.* of this money. My Lord, the Council did not press me to my knowledge; I will not be positive, but if the Council did press me, and I did make that Answer, I do appeal to the whole Board whether or no I was in a Condition to make any Answer at all, when by reason of my being hurried up and down, and sitting up, I was scarce *Compos mentis*.

L. Ch. Just. What, must we be amused with I know not what for being up but two Nights? you were not able to give an Answer; that when they call and send for *Mr. Oates* again to give a positive Charge, and then you tell us a story so remote; what was *Mr. Oates* just so spent, that he could not say I have seen a Letter under *Sir G. Wakeman's* own hand.

Dr. Oates. My Lord, I did to the best of my remembrance make mention of that Letter, that *Sir G. Wakeman* writ, before the Board. I say to the best of my skill and knowledge, but I will not be positive in it.

L. Ch. Just. You have heard what *Sir Philip Lloyd* says.

Mr. Just. Dolben. What say you, did *Mr. Oates* make any mention of this Letter?

Sir. Phil. Lloyd. Truly, my Lord, I can't remember that there was any such Letter mentioned. I tell you what I do remember; and afterwards

terwards because he came and gave this Deposition before the Lords and Commons, that he found such a Letter upon the Table from Sir George to Albby, indeed I did very much wonder at it, and it made me reflect upon that other passage at the Council, of his denying to accuse Sir George further, and it hath been in my mind ever since.

L. Ch. Just. And you do declare, that when the Lords of the Council asked him whether he knew any thing more particularly against Sir G. wakeman, he did lift up his hands and said, No, God forbid I should charge him any further, I know no more against him.

Sir Philip. Lloyd. Yes, my Lord, so it was.

Dr. Oates. My Lord, I believe Sir Philip Lloyd is mistaken, but however I was so weak; and the King and Council, were so sensible of it, that the King himself had like to have sent me away once or twice before, because he found I was so weak.

L. Ch. Just. It did not require such a deal of strength, to say, I saw a Letter under Sir George's own hand.

L. Ch. Just. North. Well, it must be left to the Jury: if you have any more Witnesses call them.

L. Ch. Just. M. Oates, Sir George wakeman urged it right, that he should not have been permitted to have his liberty so long, if you had charged him home then.

Sir G. wakeman. Call Mr. Lydcott.

Dr. Oates. To speak the truth, they were such a Council as would commit no body.

Mr. Recorder. That was not well said.

Sir G. wakeman. He reflects on the King, and all the Council.

L. Ch. Just. You have taken a great confidence, I know not by what Authority, to say any thing of any body. But this is naturally true, That when the Council were offended at the carriage of Sir G. wakeman at the Board, and therefore sent for Mr. Oates again, doubting in themselves whether what they had would be sufficient to commit him; for indeed it was only a wild thing, of what was mentioned in a Letter of a third person's, that Sir George had accepted of Fifteen thousand pounds, and received the five; therefore said they, we will know of Mr. Oates some more particulars, and sent for him in again, and asked him, Do you know any thing of your own knowledge? If he had come in then and said, Yes, I have seen a Letter subscribed under Sir George wakeman's hand, would not they have committed him? surely they would. And now the Council's not committing him, is an Argument, that they had not sufficient Evidence, and Oates did omit at that time to charge him with this Letter.

Then Mr. Lydcott stood up.

Sir G. wakeman. Mr. Lydcott, have you a Copy of the Lords Records?

Mr. Lydcott. Yes, here it is.

Sir G. wakeman. Pray, what did Mr. Oates say to my Lord Chancellor in the House of Lords?

L. Ch. Just. You must have that which is proper Evidence. You shall have all the fair dealing that can be, and all that can be admitted for your defence shall be.

Sir G. wakeman. My Lord, I humbly thank you, I find it.

L. Ch. Just.

L. Ch. Just. Ay, but this is now what the Clerk writes down as Minutes. 'Tis an hard Construction to make this Evidence. Were you present when Mr. *Oates* was there and said this?

Lydcott. No my Lord, all I say, is this, This is a Copy of the Record in the Lord's House.

L. C. Just. Did Mr. *Oates* set his hand to that Record?

Lydcott. Yes, in some places. 'Tis *Titus Oates* set in diverse places as his hand to Examinations.

L. C. Just. But is Mr. *Oates* own hand set to the Record?

Lydcott. I know nothing of that?

L. C. Just. This is the Objection, It will be hard, that if a Clerk takes the Depositions of *Oates*, or any one else, and takes them as near as he can, but he never subscribes it, and you prove only 'tis a Copy of what the Clerk wrote, That cannot be allowed as Evidence.

Lydcott. 'Tis a Copy in most places of what is under Mr. *Relfs* own hand.

L. C. Just. But you can't Swear the Clerk writ True?

Lydcott. No, that I can't.

L. C. Just. It may be an Entry of what the House of Lords did upon the Examination; That is not Evidence here.

Mr. Just. Pemb. If you can produce any one that heard Mr. *Oates* give in his Information, you say well.

Sir G. Wakeman. I believe there is a difference between the Entry-Book, and the Book of Records; and I hope you will look upon the Book of the House of Lords as the highest Evidence, beyond any verbal averment. My Life is in your Hands, I ask you whether it be not so, or no?

L. C. J. North. If there be a Record in any Court of Record, that such a man appear'd in Court, 'tis an Evidence that he was in Court, and a Record for it; but when there is an Examination in a Court of Record, these not passing the Examination of that Court, but being taken by the Clerks, we alwayes in Evidence expect there should be some body to prove, that such an Examination was Sworn, and Subscribed to.

L. C. Just. Have you any Witnesses here, that were by, and heard what Mr. *Oates* did then Depose, and can testify what Mr. *Oates* said when he was called in, and particularly what Answer he made to that single Question of my Lord Chancellors, how he came to know it was your Hand?

Sir G. Wakeman. I can bring none but these Records, or the Lords themselves, and I can't expect it from them. And that which they call a Record, I am not able to judge whether it be a Record or no.

L. C. Just. Were there not others called with him into the Lords House?

Sir G. Wakeman. No, there were none but the Lords themselves.

L. C. Just. You should have had the Clerks here that made the Entry, or saw him set his hand to the Examination.

L. C. J. North. This is nothing, but as he sayes, a Transcript out of the Journal.

Lydcott. I believe it is written most under Mr. *Relfs* own hand. There is a great deal of it that contains the whole Narrative that *Oates* gave in.

L. C. J. North. You desire to give in Evidence what Mr. *Oates* said at the Bar of the House of Lords to what my Lord Chancellor asked him, if you have any Witnesses that can prove it, they shall be heard.

Sir G. Wakeman. My Lord, I have no Witnesses only the Record.

Q

L. C. Just.

L. C. Just. That is only a Copy of a Narrative.

Sir G. Wakeman. If you will not allow it to be a Record, I can't help it.

Mr. Recorder. This is no part of the Record of the House of Lords, It can't be allow'd.

L. C. J. Well, have you any other Witnesses to any thing else?

Sir G. Wakeman. I desire you would Examine *Sir Philip Lloyd* once more. (*who was called, but Answered not.*)

Mr. Recorder. He is gone out of the Court.

L. C. Just. Well, what say the rest? *Mr. Corker*, have you any Witnesses in the first place?

Corker. No, my Lord.

L. C. Just. *Mr. Marshal*, have you any VVitneses, Answer that first; before you enter upon your Defence, you shall be heard afterwards.

Then *Sir Philip Lloyd* came into Court again.

Mr. Recorder. *Sir George*, here is *Sir Philip Lloyd*, here now, what would you Ask him?

Sir George Wakeman. *Sir Philip Lloyd*, I desire to know concerning the last Examination of *Mr. Oates*, and *Mr. Bedlow* before the Council; (you were there present as I am enformed) pray will you tell what you know.

Sir Philip Lloyd. To what Point Sir?

Sir G. Wakeman. To their whole Evidence.

Sir Philip Lloyd. I suppose what they have given in lately, they have acquainted the Bench with already. It was some day this very Month, but I would know what it is *Sir George* would have me speak to?

L. C. Just. VVhat was there relating to *Sir George Wakeman*?

L. C. J. North. But pray consider, whether it be a Question fit to be Asked of the Clerk of the Council, what was done in Council without leave of the Board. I don't think he is bound to Answer the Question.

Mr. Just. Pemberton. *Sir George*, if you would ask him to any one particular Question, it were something.

Sir G. Wakeman. I have done with him; I hope he will excuse me, I have put him to this Trouble.

L. C. J. Then *Mr. Marshal*, have you any VVitneses?

Marsbal. I cannot say I have any direct positive VVitneses.

L. C. Just. Think not that you shall be concluded, we are not in hast, you shall have time to say what you will; but if you would use any VVitneses, call them.

Marsbal. For the present I shall have no Use of any.

L. C. Just. VVell *Mr. Rumley*, have you any VVitneses?

Rumley. I think I have.

L. C. Just. I can't tell of any need you have of any, for there is but one VVitnes against you.

Corker. But he desires that his VVitneses may be heard, 'tis but short.

Sir Rob. Sawyer. There is no need of it *Mr. Rumley*, we can't insist on it, against you, you must be Acquitted.

Mr. Recorder. VVill he have his VVitneses called? If he will, he shall, though there is no need of it.

Rumley.

Rumley. No my Lord.

L. C. Just. Then *Sir Robert Sawyer*, would you say any thing more for the King, before the Prisoners make their Defence?

Sir R. Sawyer. My Lord, there is one thing which I would have answered, that is, the variance between what *Mr. Oates* said before the Council and what he saies now, upon the Testimony of *Sir Philip Lloyd*, who says, that he gave no Testimony of this Letter, under *Sir George Wakemans* hand; but being asked, whether he knew any thing of his own knowledg, he said, he had only met with a Letter from *White* to *Fenwick*, wherein it was said, So much was proposed to, and accepted by *Sir George Wakeman*: And that he should then declare that he could say no more; and lifting up his hands, affirm with a Protestation he knew no more. Gentlemen, We hope to give you satisfaction in this matter, for it was after a long and tedious Examination; and we shall prove to you, that he was in great Confusion, being almost tired out with Examination, which is not impossible to happen to any man though of the strongest Constitution and Memory, after two Nights waking, and continual hurrying up and down. We shall call *Sir Thomas Doleman* to prove, that he was under great Confusion, and that the King and Council were so sensible of it, that some of them would have had him gon away a great while before he did go away. Swear *Sir Thomas Doleman* (which was done.)

Sir R. Sawyer. You hear what hath been objected and said by *Sir Philip Lloyd*, will you tell your Knowledg of this matter?

Sir Tho. Doleman, My Lord, *Mr. Oates* did appear before the King and Council, I think on the *Saturday*, before which was *Michaelmas Eve*. The Council sat long that morning, the Council sat again in the afternoon, and *Mr. Oates* was employed that night I think to search after some Jesuits who were then taken, and that was the work of that Night. The Council I think sat again on *Sunday* in the Afternoon, *Mr. Oates* was then examined, the Council sat long, and at night he was sent abroad again to search the Lodgings of several Priests, and to find out their Papers, which he did Seize upon, and one of the Nights in that Season was a very wet night; he went either with a Messenger or with a Guard upon him. On *Monday* morning the Council sat again, and he was further Examined, and went abroad; and *Monday* night *Mr. Oates* was in as feeble and weak a Condition as ever I saw Man in my life. And was very willing to have been dismissed for that time; for he seem'd to be in very great weakness, and disorder; so that I believe he was scarce able to give a good Answer.

Sir R. Sawyer. Was that the time *Sir Philip Lloyd* speaks of?

Sir Tho. Doleman. I think he was call'd in on *Monday* night.

Sir George Wakeman. I Receiv'd the Summons on *Saturday* by a Letter from *Sir Robert Southwell*.

Sir Tho. Doleman. You were call'd in on *Monday* night, the night before the King went to New-Market.

Sir. George Wakeman. I Appeared upon *Sunday*, and was dismissed by *Sir Philip Lloyd*, who came out and let me know that the King said, he would have the hearing of it himself the next day.

Sir Tho. Doleman. Then Sir, you were call'd in, and you gave your Answer; and the whole Council was Amazed at the manner of it: for you did not, in my Opinion, or in the Opinion of several others,

deny it so positively as one that was Innocent could, but used many great expressions of your own great Fidelity and Loyalty to the King, and of your Family, and the Services they had pay'd the Crown, and did require Satisfaction, and Reparation for the injury done to your Honour.

Sir *George Wakeman*. My Lord, I will give you a brief Account of it ; I leave it to you, whether I behaved my self ill or no ; I confess, I think I might have behav'd my self more submissively ; there was nothing of Duty wanting in my mind, but I will give you an account of what I said Verbatim. My Lord Chancellor told me, that I was Accused of the blackest of Crimes ; that I had undertaken to Poison the King. I asked him who was my Accuser, he pointed to Mr. *Oates*, and told me Mr. *Oates* was my Accuser. says I, Mr. *Oates*, do you know me ? Did you ever see me before ? Mr. *Oates* said no. Why then said I, how come you to be my Accuser. Said he, I will tell you, I was at St. *Omers*, where there was a Consult of the Jesuits, at which Mr. *Asbby* the Rector of the Colledge at St. *Omers* did preside ; And in that Consult it was Debated who was the fittest Person for that horrid undertaking of Poisoning the King, and unanimously it was agreed upon at that Consult, that you were ; Sir *George Wakeman* by Name : and now he says it was Debated here in *England*. Then my Lord, said I to my Lord Chancellor, here is no Proof, therefore I hope there is no need of any Defence. Said he, there is no Smoak but there is some Fire. My Lord, said I, if you understand by that, there can be no Accusation without some Guilt, I should be sorry I should not understand both Sacred and Prophane History, better than to think so. Then he pressed me to know what I could say for my self. Said I, My Lord, I come of a Loyal Family, my Father hath suffer'd very much to the value of Eighteen Thousand Pounds and more for the Royal Family. My Brother raised a Troop of Horse for the King, and served him from the beginning of the War to the end. He was Major to the Marquess of *Worcester*, at *Worcester* fight, and lost his Life by the Wounds he received in the Kings Service. As for my own part, said I, I Travelled very yong, and came over when *Ireton* was Lord Mayor, and both by my Religion and my Name, was suspected to be a Favourer of the Royal Party, and therefore was imprisoned, and did not come out till I had given great Security : and the second time I was Committed, was, when I entred into a Plot, the only Plot I was guilty of, I Conspired with Captain *Lucy*, and several others to Attempt something for his Majesties Restauration, when few durst appear for him. I was seized on in my Bed ; there were several Armes found in my Apothecarys Cellar, and we were both Committed to Prison ; and we should both have suffered Death certainly if his Majestys happy Restauration had not prevented it. When my Lord prest me still to say what I could say for my self, as to what was charged on me ; I told him, my Lord, I am under the most foul and false Accusation that ever Innocent Gentleman was, and I expect Reparation ; and upon that they were offended, and I was bid to withdraw. And I added this beside, my Lord, that there was not a Family in *England* that was so much instrumental in his Majestys Restauration as that Family was ; that Collonel *Charles Gifford* was my near Kinsman, so was Collonel *Carlos* ; and that the *Pendrel's*

drel's were Menial Servants to the Family, and I hope they deserve some Favour.

L. C. Just. What have you to say Sir *George*, in your present Defence here. Make what Observations you will now, upon the Testimony hath been given against you.

Sir G. Wakeman. My Lord, I say this, if it had been allowed me, to make use of the Records of the House of Lords, it would have made all things so evident and clear, as nothing can be more; for then, when he was called to that Bar, to give an Account what he had declared to the House of Commons concerning me, he gave an account of this Letter.

Mr. Just. Pemberton. Sir *George*, you must not make mention any more of these things, that could not be given in Evidence.

Sir G. Wakeman. Then my Lord, I have no more to say.

L. C. Just. What say you Mr. *Corker*?

Corker. My Lord, I hope the Court will not require that I should bring any particular Evidence in Contutation of what is here alledged against me; for, before I came to this Bar, I did not know any particular Accusation that was against me; and therefore I could not be ready to Answer it, and make my Defence, or bring particular Witnesses to Evidence and shew my Innocency. Besides, my Lord, it is a known general Maxim, That a positive Assertion is as easie to be made, as to prove a Negative, is oft-times hard, if not impossible. Men may easily devise Crimes, and frame Accusations against Innocent men in such a manner, that the contrary cannot possibly be demonstrated. No mortal man can tell where he was, and what he did and said every day and hour of his whole Life. Therefore I think 'tis not only Positive bear Swearing, but 'tis Probable Swearing, that must render a man Guilty of a Crime. Otherwise my Lord, it would be lawful, and in the power of *Oates* and his Companions here, to Hang by turns, upon bare Oath, all the Innocent men in the whole Nation, though never so Innocent, and that for Crimes never so ridiculous and absurd. And I say this further, he that Swears against another, First, ought to be himself a Credible Witness: And then Secondly, strengthened by probable Circumstances; Circumstances that bring along with them, some Probable Evidence distinct from the Witnesses themselves: Otherwise I think, that the party Accused, without any Proof of his side, ought to remain in the possession of his own Innocency. Now I think, my Lord, there will be never an one of these two necessary Conditions to be found in the Evidence against me; for First, the Witnesses against me, are persons that are, or at least formerly, have been of Scandalous Lives.

L. C. Just. You should Prove it, before you Say it. You shall have all things allow'd you that are fit; but you must not heap up contumelies upon men Un-proved, or call men Names, when you have proved nothing against them. If you can prove any thing, of Gods Name do it; prove them as fully as you can.

Corker. I do only say this, They have been Reported, and Owred by themselves, as men that have been of Scandalous Lives.

L. C. Just. If the Jury know it of their own Knowledge, I leave it to them ; but you have proved nothing.

Corker. VVell my Lord, but then in the next place, neither will the Positive Oaths of men formerly Infamous, be any convincing Arguments of our Guilt : And then next, as to the other Circumstances that should render me Guilty, Mr. *Oates* does not here make me Guilty alone of this Grand Conspiracy ; but he involves the Nobility, Gentry, and the whole body of the Catholicks in this Treason. Now my Lord, I refer it to the Judgment of the Court, whether so many persons as he Names, and those of such Eminent Quality, and of such Considerable Estates in their Countries, persons settled under so good a KING, in so peaceable a Kingdom ; so Quiet in Condition ; Men of Good and Vertuous Lives, and Unblemished Conversations, before this Hour, should hazard their Honours, their Lives, their Families, their Bodies, their Souls ; their All in such a Designe

L. C. Just. VVhat is this to your Case ?

Corker. My Lord, If this be not Probable, I hope I am free of the Plot.

L. C. Just. But what is this to your Case ? Pray hear, you are now making a Speech against Mr. *Oates* and Mr. *Bedloe*, That they do Accuse people of Great Honour and Quality ; he hath given no Accusation against any as yet that you are to take notice of. You ought to make use of nothing as an Argument to the Jury, but of the Evidence, that hath been given to the Jury. If you can make use of any thing, that Mr. *Oates* or Mr. *Bedlow* hath said here to contradict them, or invalidate their Testimony, you have said well. But to talk of such a story of accusing Noblemen, and such like, when there is nothing of that before you ; you must first prove what you will infer from.

Corker. My Lord, This I take to be of very great concern to myself, that since the Truth of this Evidence does depend upon the certainty of the *Plot*, and this pretended Conspiracy against his Sacred Majesty ; if there be no such *Plot* and Conspiracy, and if by Circumstances I can render it improbable, I hope the Jury will take it into Consideration.

L. C. Just. Ay, Ay, I am of that Opinion, if thou canst but satisfy Us and the Jury, that there is no Plot, thou shalt be quitted by my Consent.

Corker. I will, my Lord, shew you the Improbability of it.

L. C. Just. Ay, Do but give us one Probable Argument, (you being a Learned man, and a Priest) why we should believe there is no Plot.

Corker. My Lord, I would have endeavoured to have shewn you the Improbability of it, but yet I would not urge it, because it may not be so grateful to your Lordship. But to me 'tis not probable, that so many Honourable and Vertuous Persons should be involved in a Plot so Dangerous, so Horrid and Detestable in it self ; wherein my Lord, as he says, so many Thousands of People, and even a whole Nation were to be over-whelmed : of which, if a Discovery had been made by any Person, it would have prevented the utter Ruine of so many

many Millions. 'Tis not Rational or Probable, that such vast whole Armies should be Raised, and Forreign Nations concerned in the Plot. All which, notwithstanding all the Evidence that can be made out of this Plot, is but only their Positive Swearing.

L. C. Justice. Just now you made your Objection, that it was a strange thing that such a Design should be Communicated to so many; now you make it a Wonder, why so few should know it, only *Oates* and *Bedlow*. Your Argument before was, that it was a wonderful thing, that so great a Concern should be communicated to any one; and now you wonder more, that none should know it but they two.

Corker. Therefore my Lord, I from thence Argue thus, that since there is no other Evidence, nor further Proof of it then from Mr. *Oates*, and Mr. *Bedlow*, I infer there is no such thing at all.

L. C. Just. Yes, as for your Army, there is more than so; Do you remember what Mr. *Dugdale* and what Mr. *Praince* say?

Corker. Yes, my Lord, considering these Persons, what they are, their vile Oaths, and the Incouragement they have met with, by such Indearments and Caresses, as they have found, their Credit is not much to be weighed. Now my Lord, I apply to the Accusation that is against my self.

L. C. Just. Ay, Ay, That is your best way, for it would have been an hard task for you to prove that there was no Plot. We were in great Expectation what Arguments you would bring us for it.

Sir George Wakeman. My Lord, will you give me leave to observe one thing more to your Lordship, and the Court; Mr. *Oates* does mention in his Narrative of at least Thirty or Forty Pages, and all this upon Oath (so he saith in the end of his Narrative) but I would observe, that there is not a Letter Dated in *France* or in the Low-Countries, or Received here, but he swears positively as to the Date of it, and Reception of it; but now, when he comes to mention any thing wherein a mans Life is Concern'd, he will not tie up himself to a moneth.

L. C. Just. Yes, he does, and to part of a moneth. He tells you it was the beginning, or middle, or latter end; and he speaks punctually as to the Twenty first of *August*.

Sir George Wakeman. But in all his whole Narrative, he speaks to a Day.

Mr Recorder. As my Lord saies, he speaks punctually to the Twenty first of *August*. And as to the Letters, he took the Date of them in his Memorial.

Corker. My Lord, I would only take notice, That at the first, Mr. *Oates* thought to take advantage of some words of mine at my Examination; he told you, that I had gone into *France*, but that I denied it when I was examined before the Justice of Peace. My Lord, I deny all this; for the Justice of Peace Examined me where I had lived. —

L. C. Just. We have nothing of this matter here before us.

Mr. Just. Pemberton. You are to Answer what he saies now.

Corker. 'Tis what *Mr. Oats* saies now, for I knew nothing of it till now. Now my Lord, as to that, I say, I did not deny it before the Justice of Peace that Examined me; for I told him, I lived with a certain Lady Twelve Years, till she died; and during that time, I never was beyond the Sea but once, which was five Years since, for the Cure of a Quartane Ague that I had, and I went over to *France*; otherwise during all that time that I was with my Lady, I did not go beyond Sea. Upon this, the Justice began to ask me other questions; whereupon my Lord, I recollected my self, and said, Sir, I told you I had not been beyond Sea during the time I had been with my Lady but that time, five Years since; but my Lady being Dead, I went over last Summer in *August* to perfect the Cure of that Ague; for I had it seven years, spring and fall. And this I told him of my self, without asking. The last Summer I went over, and there I staid till two Days before *September*; therefore I did commit no mistakes in what I said, Or used any Cloke to cover it. Now my Lord, he saies, I went to *Lamspring* which is in the farther End of *Germany*.

L. C. Just. He says, you said so.

Corker. Pray ask him how he knows it; he saies by my Letters: sure if this man were privy to those great Conspiracies which he charges me to be a Partner in, it is not probable but that I should tell him where I went; and then if I did tell him so, I must go thither and back again in six weeks time; which was morally impossible to do, to go thither and to Return; for, I was but six weeks out of Town

L. C. Just. How you Argue Sir? He says, you told him, you went to *Lamspring*; Say you, certainly I would tell him true, because he was Engaged with me in Conspiracies; but this can't be true, because of the length of the Way. Is this a way of Arguing? may not you tell him, you go to one Place, and indeed go to another?

Corker. What Reason or Motive had I to tell him a Lie?

L. C. Just. It is a hard matter for us to give an Account of Jesuits Answers, even one to another.

Corker. I am not a Jesuit, I wont say the least untruth to save my Life. Then as to my being President (as he calls it) of the Congregation; all the Congregation, and all that know us, know that *Stapleton* (formerly Chaplain to the Queen) is and hath been for Twelve Years, President of that Order. And I am confident that all *Catholicks*, and most of the Court, do likewise know it to be True; and by Consequence, it is likewise untrue, that there was an Agreement made by the Jesuits and Benedictine Monks, when I was at *Paris*, to which I was not privy, but could not go on till I was Acquainted with it, and consented to it. Now my Lord, if I be not President of that Order, that must be a Flam and a Story.

L. C. Just. You say that, Prove who is.

Corker. *Mr. Stapleton* was, as 'tis well known.

L. C. Just. Call who you will to Prove it, if you can.

Corker. Here is one of the Lay-Brothers of the Order.

L. C. Just. VWho is that?

Corker.

Corker. Mr. *Rumley* here.

L. C. J. He cannot be a witness for you or against you at this tryal.

Corker. My Lord, since I did not know of it before, I could not bring any body.

L. C. J. You put it upon your selves.

Corker. My Lord, I say then I never was at any Consult where any such summe of money was proposed or agreed, nor was it requisite or necessary that I should be so much privy to it, for I was not Superiour of the Order, nor President of it, by reason of which my Consent should be necessary, or any such Letter be writ to me, or any such received from me. And then my Lord, 2^{dly}, I must take notice again, he accuses me of being Bishop of *London*, and that I did consent to this agreement of paying so many thousand pounds; if I were guilty of this, and likewise of contriving the Kings death, and especially consenting to *Pickering's* murther of the King, when that *Pickering* was taken I should have been taken too, or I knowing my self guilty should have fled.

L. C. J. You excepted against *Pickering*, and thought him not a convenient man, because he was one of your Order.

Corker. I hope he does not positively say I consented to the Kings death; He says indeed I knew something of it, now I was near him when he was taken. All the Officers that came to take Mr. *Pickering* came to my Chamber. Mr. *Oates* says he was there at the taking of *Pickering*; if I were guilty of all these things being Superior and Master to this *Pickering*, 'tis a strange thing that he should neither know me nor own me, nor accuse me, nor take me, nor apprehend me until almost a month after; all which time I had my liberty; but then taking notice of my going down there, and having further Information of me that I had lodged there, he took me into his Catalogue of Bishops, and he came to take me. But if I had been guilty of these hainous things, there is no reason but they should have apprehended and taken me when *Pickering*, and *Grove*, and *Ireland*, and Sir *George Wakeman* were taken.

L. C. J. I will tell you what for that: If you were now arraigned for being a Priest, you might well make use of that Argument, That when they took *Pickering* and *Grove*, if they knew you to have been a Priest they should have taken you too, and yet for all that you were a Priest, you could not have denied it. But would it have been an Argument, because you were not then taken, you were not so? So you might be in the Plot and not be taken, and 'tis no Argument from your not being taken that you were not.

Corker. I say my Lord, if he came to discover the Plotters it had been his duty to have taken me before, if I had been one in the plot.

Lord C. J. So it had been his duty to have taken you as a Priest.

Corker. But I was, as he sayes, equall in the same crime with *Pickering*, and therefore he should have taken me when he took him.

L. C. J. Have you any thing more?

Corker. Besides my Lord, I find he undertook to tell the Names of all those that were engaged in this Conspiracy, but among them all my Name is not, therefore 'tis a new invention of his.

L. C. J. That is not said here, you go off from what is said here.

Lord Ch. Just. North. Can you prove that? then first do it, and then make your Observations upon it, if you can prove what he said before the Lords by Witnesses; but otherwise you must not discourse upon what you have not proved.

L. C. J. Here is nothing of that before this Jury.

Corker. I cannot prove it otherwise than by the Record. I desire it may be looked upon, and I refer it to the consideration of the Jury, whether if he did say he did not know any thing else of any man whatsoever, but what he had then declared, and I am not there accused; whether this Accusation be now to be believed?

L. C. J. That hath been answered already.

Mr. Just. Dolbin. But it is not proved by them.

Corker. I leave it to the Jury whether they will believe it or no.

Lord Ch. Just. You say well, if you refer it to the Jury, let them consider it.

Corker. I say they ought to take it into their Consideration, they are not rashly to give a Verdict against me; and Gentlemen I believe I may refer it to your Consciences, whether you do not know what I say to be true in this business?

L. C. J. Mr *Marshall* what say you to it?

Marshall. Truly my Lord, what I have to say for my self is this. About a month ago I was told the time of my Tryal was at hand, and being then full of good hope, I did endeavour to provide for it, and I had a great Confidence my Lord that it would succeed; but truly upon the ill success of the late Tryals, either my hope or my heart failed me, and I did resolve to cast my self upon God and his Providence, and however my silence might have been interpreted, I did resolve with silence and submission to resign up my self to whatsoever your Lordship and the worthy Jury should be pleased to decree upon me. But my Lord, since your Lordship is pleased to fling forth some encouragement, and to hang out the White Flagg of Hope, for your Lordship hath been pleased to use many gracious expressions, and so my Lord upon this I shall contrary to my former determination now endeavour to make defence for my life as well as I can: But my Lord not being so well able to do it, or of so quick capacity as that learned and wise Council which we have here of Counsel for us, to wit, the Honourable Bench of Judges, for upon inquiry why by Law we were allowed no Counsel, I was told that the whole Bench of Judges were alwayes of Counsel for the prisoner, and indeed they look upon it as an obligation upon them as far as Truth and Justice will permit them to plead for us. Now my Lord, with an humble heart I would suggest some heads of defence to this Learned, Wise and Honourable Council, and leave it to them to manage my Cause for me according to Truth and Justice, which they are better able to do for me than I for my self. My Lord, I have I thank God no spleen nor hatred in my heart against the worst of my Enemies, nor shall be desirous of Revenge, I leave them and their proceedings to God; neither am I willing to charge Mr. *Oates* and Mr. *Bedloe* with worse than the necessity of my defence will occasion me to say of them. Now my Lord, the best of men may be mistaken in a person, and if I prove Mr. *Oates* is mistaken in the person in me, then I charge Mr. *Oates* with no great crime, and yet make my own defence. Now my Lord, I offer these things for that defence, and I hope your Lordship will appear my great Advocate, and what I suggest in a few heads you will I hope put it into a method, and manage it better than I can my self. My Lord, when I was first brought before Mr. *Oates* (as truly all that were with me do know) I carried my self with a great deal of courage and confidence, for I was certain that he did not know me, and I did believe it would be only my trouble of going thither and coming back again.

L. C. J.

Lord Ch. Just. To go whither?

Marshal. To *Westminster*. And pray take notice of this: When I was first apprehended I was never sought for, nor named as a Traitor in this business; but coming accidentally into an house to ask for one where they were actually searching, though I saw the Constable at the door, and Lights in the house, yet I went in and asked, if such an one was within. I think this confidence will not rationally suppose me guilty, the house being under suspicion.

Lord Ch. Just. Here is no proof of all this.

Marshal. All that were there know it: *Sir William Waller* which took me knows it.

Lord Ch. Just. *Sir William Waller*, is this so?

Sir William Waller. My Lord, when I came to search the house I placed one at the door, and him I ordered to let whoever would come in, but no person whatsoever go out. When I was searching this person comes and knocks at the door, but did not know, I suppose, of any person searching in the house; for when the door was opened and he let in and understood it, he presently endeavoured to get away again.

Marshal. By your favour, my Lord, I am very loth to contradict what *Sir William Waller* says in any thing, I would willingly believe him a just person that would say nothing but the truth; but God Almighty is my Witness that I never knocked, the door was open, and I came in of my own accord both in at the first and the second door: this the Constable will testify.

Lord Ch. Just. And you would not have gone away again if you could, would you?

Marshal. I will give you better proof of it: While they were searching in an interior Room (and this is well known by them all that were there) I was in an outward Room by my self, this *Sir William Waller* knows, and when they came back and found me there, the Constable and the rest wondered I was not gone. I was left alone by the door by my self, the outward door I found open, and there is another door which leads out into an Alley, which any man can open in three minutes time, and I know how to do it. Now I could not learn it since I was taken, for I have not been permitted to go abroad, but been under close confinement. But if it be worth the while, and you will give me leave to go there, I can shew you how 'tis opened in less time than I can speak three words.

Lord Ch. Just. Would you have the Jury stay here while you go and shew us the door? If you have any Witnesses to prove it, call them. Come to the purpose, man.

Marshal. My Lord, I say, if it were worth the while, that it might be made appear, that if I would go away I could, but I did not get away, but stayed with a great deal of confidence, my Lord; therefore I urge this to the point, that *Mr. Oates* is mistaken. After I had been there a while before *Mr. Oates*, *Sir William Waller* wished me to withdraw, and after I had been absent a while and came back again, *Sir William Waller* wished me to pluck off my Perriwig, and turn my back to him and *Mr. Oates*: I did not then well understand the meaning of it. But afterwards *Sir William Waller* out of his great civility came to see me at the Gate-house, and brought with him two very worthy persons, *Sir Philip Mathews* and *Sir John Cutler*. *Sir Philip Mathews* upon discourse hearing me declare, that *Mr. Oates* was a perfect Stranger to me, said, That *Mr. Oates* in testimony that he knew me, had given such a certain mark behind in my head. I told

told Sir *Philip Mathews*, if he pleased to pluck off my Perriwig, he should see whether there was any such mark or no; but he being an extraordinary civil person told me, he would not give me the trouble. I desire Mr. *Oates* to declare now before-hand what that mark was behind my head, and if there be such a mark, 'tis some Evidence that his Testimony is true; but if there be no such, then it will appear to this Honourable Court and the Jury, that he did not know me, but was mistaken in the man.

Lord Ch. Just. I suppose he does not know you so much by the mark behind your head, as by that in your forehead.

Marshal. But why did he then speak of the mark behind my head?

Mr. Recorder. How does that appear, that he did give such a mark?

Sir William Waller. I shall give your Lordship a short account what was done: When I brought him to Mr. *Oates*, I did desire indeed to see his Perriwig off, to see if there were any appearance of a shaven Crown. After that I had done that, I caused him to withdraw till I had taken Mr. *Oates's* Examination upon Oath, and after I had taken that, I desired him to come in again, and I read it to him and taxed him with it, to which he gave a general denial to every particular, and thereupon I committed him to the Gate-house.

Lord Ch. Just. What is this to the business of the mark?

Sir William Waller. I do not know of any mark; but this I do know, that as soon as ever he came in, Mr. *Oates* called him by his Name.

Marshal. I desire Sir *Philip Mathews* may be called.

Mr. Recorder. He is not here, what would you have with him?

Marshal. To ask if he did not know in particular, that the mark was such a spot behind my head. Hath he not been here to day?

Mr. Recorder. I can't tell that.

Lord Ch. Just. But he called you by your Name before ever you plucked off your Perriwig, so saith Sir *William Waller*.

Marshal. That which I was to shew, if I could, and truly all my Defence lyes upon it, is that Mr. *Oates* is a perfect Stranger to me, and consequently hath nothing against me. Now if Mr. *Oates* did give a false mark to know me by, and there is no such mark, I think 'tis a proof that he is mistaken.

Lord Ch. Just. Sir *William Waller* says the contrary, he called you by your Name, and there was no mark mentioned: but if you will suppose what you please, you may conclude what you list.

Marshal. Sir *William Waller* plucked off my Perriwig, and bid me turn my back to him.

Lord Ch. Just. That was to see whether you were shaven or no.

Marshal. Sir *William Waller* had not so little knowledge as to think that the Priests go shaven here in *England*, where 'tis death for them, if they be discovered. Besides, my Lord, it was put in the Common News-Books which were dispersed abroad in the Country, that it was a white Lock behind. Well, if there be any thing of favour or inclination to mercy in the Court I shall find it; but if there be none, it will not succeed, though I spoke ten thousand times over, nay though it were spoken by the tongue of men or Angels it would do me no good; therefore I inforce it again to the Jury to take notice of, that there was a particular mark given.

Lord Ch. Just. That you have not proved.

Marshal.

Marshall. My Lord, I would beseech you to take notice of what every man knows, and tis against Reason to believe that Sir *William Waller* knowing the World so well as he is supposed to do, should think we went with Shaven Crowns in *England*.

Lord Ch. Just. And therefore Dr. *Oates* must look for another mark must he, how does that appear?

Marshall. All *England* know that those who go over to any Seminary or Cloister, never come over again to *England* till their Hair be grown out, that it may be no Mark or Testimony that they are such Persons.

Lord Ch. Just. Do you think all Mankind knows that.

Marshall. All that is Rational does.

Lord Ch. Just. Well, you hear what Sir *William Waller* says.

Marshall. I always looked upon Sir *William Waller* as a very learned upright person, and did rely upon what he should testifie for my defence, and he knows when Dr. *Oates* brought in his first Testimony against me, I did beg that what he said should be written down by him, said Sir *Will. Waller* it shall not be written down, but I will promise you to remember what he says. Now I hope Sir *William Waller* as an honest and worthy Gentleman will keep his Word, and I desire him to do it as he will answer it before God at the Great Tribunal.

Lord Ch. Just. Ask him what you will. You adjure him and yet you wont ask him.

Marshall. Now my Lord, Ile tell you how Mr. *Oates* came to know my Name (which is another proof that he is a stranger to me.) When I came first in, I asked Mr. *Oates* if he knew me, and looking seriously upon me, he asked me what my Name was. Now we knowing no more of a mans Thoughts but what his words discover, it may seem by that very Question that Mr. *Oates* was a perfect stranger to me. Now when I told him my name was *Marshall*, he was pleased to answer, you are called *Marsh*. But my Lord, I should consider that which hath been before offered to your Lorchip, but that I do not much insist upon, that if Mr. *Oates* had a Commission to search for Priests and Traitors, he was as well bound to tell you I was a Priest as a Traitor, that is an Argument for me I say. If he had a Commission to apprehend Priests, I conceive if he knew us to be Priests, he should by force of such a Commission have seized upon us.

Lord Ch. Just. He needed no Commission to do that, he did search to find out Traitors.

Marshall. He heard us particularly named, looks upon us, goes away, denies that he knows us, gives us leave to sleep out our sleep, and if we would to be gone. Therefore 'tis without any likelihood or probability that he had any thing to say against us.

Lord Ch. Just. You have not proved one word of all this.

Marshall. He owned it himself, that he had searched the *Savoy* for Traitors, and did not take us. I speak this out of his own Mouth, therefore it is incredible, and I hope the Jury will take notice of it. He was searching for Traitors and knowing me to be a Notorious Traitor as he would have me to be, that he should find me in bed, have his Majesties Officers with me, and not seize upon me.

Mr. Just. Pemberton. It does not appear to us, you have not proved it.

Lord Ch. Just. Sir *William Waller*, did he say first do you know me, and then *Oates* ask his Name?

Sir William Waller. I speak solemnly as in the presence of God, there was not one word of all this.

Corker. I beseech you may I speak one word?

Lord Ch. Just. Have you done Mr. Marshall.

Marshall. Truly my Lord, I am astonished, I protest and confess before God I am astonished. There is Mr. Gill the Constable who owned this, and promised to be here to attest it, for there was a dispute about it between Dr. Oates and me: for said I presently, if you took me in bed and knew me to be a Traitor why did you not seize me, he answered me again expressly before Sir William Waller, I had no Commission then to seize you: but said I, you acknowledge I was then a Conspirator, and such your Commission was to seize. You might have declared to the Officers you knew me to be a Traitor, and have bid them take charge of me: tis impossible that you should so well know it and not do it sure.

Lord Ch. Just. Was there any such thing as this Sir William Waller.

Sir William Waller. Really my Lord, I do not remember any thing of it.

Lord Ch. Just. Mr. Marshall call your Witnesses.

Marshall. Is Mr. Gill the Constable here, he owned it. I think I had as good make an end, I may leave it here, for what I shall say I find will be to little purpose.

Lord Ch. Just. You do not prove what you affirm.

Marshall. My Lord, I do not go as Mr. Oates and Mr. Bedloe do, who bring no circumstance of Probability or Likelihood, they only say they were such a time amongst such and such Persons, and such and such things were agreed, but shew no probability of it. But I instance in such things as do carry a probability in themselves, and I name those that were by.

Lord Ch. Just. And have no proof of it in the world. And what you call Sir William Waller for, he says the contrary, there was no such thing.

Marshall. I say my Lord, what he says is to my great astonishment. Do you remember Sir William Waller this, that Mr. Oates said there, when he was asked if he saw me last Summer. I saw you not only in August, but in June and July.

Sir William Waller. I remember something of that.

Marshall. I humbly thank you Sir for acknowledging that.

Lord Ch. Just. What use do you make of that?

Marshall. I shall make use of that. The Dispute was so eminent betwixt us that it was impossible to forget it.

Lord Ch. Just. Well, have you done Mr. Marshall?

Marshall. No my Lord, tho I had as good hold my peace. I could not have Witnesses to disprove Mr. Oates in particulars of Time and Place, because I could not foresee what time or place he would name. My Lord, I had Witnesses here at the time of my last Tryal to prove and swear if they might be admitted, that I was here neither in June, nor July or August, but spent some Months at a place called Farnborough in Warwickshire.

Lord Ch. Just. Can you prove this?

Marshall. I can prove that I had such as would have proved it then. Now my Lord this is that I say, if the Court be inclined to any Favour or Mercy: Life being a thing of such concern, I hope some little stop may be allowed to have some time to bring such People, but if there be no inclination to Mercy, it would be the same thing if the Proof were here.

Lord

Lord Ch. Just. The Court will do you all Justice here, and that is their Mercy.

Marshall. I am confident I shall have great Justice done me, I would not have said one word in my defence if I did not believe so, I took heart by what your Lordship had said, and I have already done that which I thought most material for it. I have urged first the false Mark that he gave to know me by. And then his taking me in bed and disowning to know me, besides Mr. Oates hath been positive in his Testimony about the 21th of August, I could not now have Witnesses to disprove that, because I knew it not before, but I can have several Witnesses to prove, that I had then Witnesses to prove it, sufficient Witnesses from *Farnborough* who were sure and certain that I was that very day there, and would instance in some particular reasons why I was there that Day. And then these Witnesses will swear that I was never from thence for three Months at any distance but twice at a Neighbours house, and they can tell the places where I was then.

Lord Ch. Just. You come and tell us what other Folks could tell, why have you not them here? Can the Jury take notice of this.

Marshall. I hope you will not throw away my Life, when in 3 days time I could bring Witnesses to prove it.

Lord Ch. Just. Then we must throw away the Lives of the Jury, for they must be kept fasting all those days till they give in their Verdict; for they must be shut up till then.

Marshall. My Lord, with your leave, there have been those that have been upon their Tryals, and sent back to Prison before the Jury have given a Verdict, and after tried again.

Lord Ch. Just. North. Ay, if they be discharged quite of you.

Lord Ch. Just. I tell you the Jury must be kept together close, till they give their Verdict.

Marshall. The Jury was not kept up when Mr. *Whitebread* and Mr. *Fenwick* were tryed, and they were afterwards tryed again.

Lord Ch. Just. The Jury were wholly discharged of them.

Marshall. If you have any regard of my life you may discharge them of me.

Lord Ch. Just. Truly this is as reasonable as any thing you have offered.

Marshall. If your Lordship believe what I say is true, you throw away my Life unless you grant me this time, I should be a very infamous man if I did not prove it then.

Lord Ch. Just. If the Jury believe it I am satisfied.

Marshall. My Lord, I should then come full of shame, if I did not prove what I say, therefore I hope the Court will allow me time to prove what I affirm, that that particular day, and the day before, and the day after I was in the Countrey, and stirr'd not. And then as to the day before the *Assumption* which he charges upon me, and the day after, I can bring Witnesses to prove I was those 3 days at another house almost 50 mile off *London*, so there is nothing in all that is said against me by Mr. Oates which comes to be determinative and positive in his Testimony, but I can disprove it if time be allowed me, but if that cannot, I can bring such proof as can testifie, that I had before those that could Evidence it.

Corker. I told your Lordship I think, that the Constables and other Persons that came there to take *Pickering*, said they knew nothing of me, and had nothing to say to me. Your Lordship tells me this I ought to prove. I must confess I could not expect that, when there were so many, an hundred People

People at least, that all those People coming in I should be put to prove it. But here is a Servant that was in the house then, that will tell you the same, that will attest they said they had nothing to say to me.

Mr. *Just. Pemberton*. Call any of your Witnesses that you have.

Mr. *Just. Dolben*. Mr. *Corker*, you remember that the last time you were here at the Bar, you desired time because you had not your Witnesses, it is now above a Month ago, and therefore you have no reason to say your Witnesses are not ready. Let us see them, that we may see you did not abuse us.

Mr. *Recorder*. Who were the Persons that were then at *Tunbridge*?

Corker. I tell you sincerely my Lord, I did not know what they would say, but then I did take notice when my Accusation was read against me, That there was a time mentioned of the 24th of *April*, that I conspired the Killing of the King. Now I could prove the contrary of that I thought, for I did remember, and so my Friends know very well, that always in the Springtime I go once or twice, most commonly about 30 miles out of Town to take the Air. So my Lord, from that Observation I did really believe I was actually there at that time, and from this belief I did then tell your Lordship, that I thought I could bring Witnesses that would prove I was at that Place then. According to your Lordships Order I sent for the Gentlewoman that kept the house, and she coming up I asked her, Mistress said I, can you tell when I was at *Tunbridge*; said she, I believe you were there about or near *April*, but that is not the thing said I, I ask you, can you positively say that it was either before or after the 24th. can you give me any Determinate circumstance of it. She could not swear nor durst what day I was there exactly, then said I go back again, for I resolved to die in my Innocency without proof, rather than my Witnesses should speak what was false or doubtful.

Marshall. I desire that one *Thomas Sumner* may be called. He was the man that went down to fetch up the Witnesses from *Farnborough*.

Mr. *Recorder*. What is your Witness, Mr. *Corker*.

Corker. My Witness's name is *Ellen Rigby* (who stood up)

Lord Ch. Just. What is it you ask her?

Corker. I desire she may be asked, whether she knows that I was in the house when the Search was in the *Savoy*, when Mr. *Pickering* was taken? and whether then they charged me, or said I was a Person that they had nothing at all to do with. *Marshall*. And me the same.

Lord Ch. Just. Do you hear the Question?

Corker. Was not I in the *Savoy* when *Pickering* was taken?

Marshall. And I? *Rigby*. Yes, you were both in bed then.

Corker. Are you ready to swear it, if my Lord will permit you?

Rigby. Yes. And the Company that came in never asked for you, but when they saw you, said they had nothing to do with you.

Lord Ch. Just. Who said so?

Rigby. The Company that came and searched the house for *Pickering*.

Lord Ch. Just. Was Mr. *Oates* there?

Rigby. Yes my Lord, Mr. *Oates* was there.

Lord Ch. Just. Did he say that he had nothing to say to them?

Rigby. Several of them did say so, and he among them. They asked me who were in the house, I told them several. They said they had nothing to do with any but with Mr. *Pickering*.

Lord Ch. Just. North. Who did you tell were in the house?

Rigby. I told them there was *Pickering*, *Marsh*, *Heskett*, *Corker*, *Smydon* the Porter and his Wife, two Children, &c.

Corker.

Corker, Now 'tis incredible he should search for Traytors, and as he says, knew us to be such, and should not ask for us: Nay, when he saw us, leave us there, and never bid the Officer secure us.

Mr. Just. Pemberton, Who did ask you the question?

Rigby, There were five or six, *Mr. Oates* and *Mr. Bedloe*.

Corker, I desire to know this of you, Have you not heard all along that *Mr. Stapleton* is President of the *Benedictines*, and how long he hath been so, for he was House-keeper?

Marshall, Who is President of the *Benedictines*?

Rigby, *Mr. Stapleton*.

Corker, How long hath he been so?

Rigby, Four years and a quarter, for any thing I know to the contrary.

L. C. J. In his absence, who was? *Rigby*, I know not who.

L. C. J. Did not *Corker* officiate? *Rigby*, Never in his life.

L. C. J. Do you know who did? *Rigby*, I can tell he did not.

Corker, Pray ask her if she knows of any Consult of the Jesuits in the *Benedictine* Convent?

L. C. J. How should she know that? was she one?

Corker, Because there can none come to the House, but she must entertain them, there was no other Servant at all but she.

Marshall, Now my Lord, since she is here, let her see *Mr. Oates* and *Mr. Bedloe*; ask her whether ever she saw them in the House in her life?

Rigby, I saw *Mr. Oates* in the House; he came a begging to *Mr. Pickering* for Charity. *L. C. J.* What was the time?

Rigby, This Summer was Twelvemonth: And *Mr. Pickering* bid me shut the door, and never let that man come in again.

Marshall, That was in the very heat of the Plot, the very nick of time when he was employed to carry on the Conspiracy, as he says; and that then we should suffer him to be in such necessity, and sent away with a Flea in his ear, when he could gain such advantages by discovering us: Is it likely that we would trust him with the whole Plot, and yet suffer him to want? I appeal to your Lordship and the Jury whether that be probable!

Then Sumner appeared and stood up.

L. C. J. What say you to him?

Marshall, I desire he may be asked whether he does not know that here were Witnesses to testify I was then at *Farnborough*?

L. C. J. That is not a question to be asked, what another body can Swear.

Marshall, He was sent down, my Lord, to fetch the Witnesses up.

L. C. J. Well, to satisfy you, we will ask the question, though it be improper: Were you sent down for Witnesses? *Sumner*, Yes my Lord.

L. C. J. Why did not they come? *Sumner*, They did come.

L. C. J. Why are they not here? The last Sessions was adjourned particularly to a certain day, and you knew when you were to be tried.

Mr. Recorder, For this very Reason, That all might take notice of it, it was adjourned to the 16th day at this place.

Marshall, Your Lordship does suppose we have a better Purse than we have. Would you have them leave their Employments, and come up, and be at great charges? 'tis not in the capacity of every one to endure it?

L. C. J. What would you have us do in this case?

Marshall, What is but reasonable, Give me but three or four days time, and I can have my Witnesses up.

Mr. Just. Dolben, I pray ask them whether they were not told of the time of their Tryal?

L. C. J. Why did not you send for them before, when you knew what day it was to be?

Mr Just. *Dolben*, You knew as much before as you do now. If you did not, what did you send for them up for then, more than now?

Corker, There was no certainty at all of the time when we should be tryed. We were told it was near, but not the very day; some said the 12. some the 14. some the 16th. some, not at all.

Mr. *Recorder*, You must not say so; for notice was publickly given here that it should not be till the 16. and the Sessions was adjourned till then.

Marsh. I was told it would be two or three days after last Term. I confess, God Almighty hath been pleased to give me a long imprisonment to prepare for my last Close. I do not fear death though it should appear in far more frightful shapes, than that we may be like to suffer. So, my Lord, it is not so much a Concernedness for my own life, as for the Honour and Justice of the Court, that I plead for a Respite to have Witnesses that may positively and particularly disprove the Testimony of Mr. *Oates*. And all the World will think it an hard case when I do attest and call to Witness such as have a great probability to prove what I say to be true; when I can have such a numerous train of Witnesses to prove that I was that particular day threescore miles out of *London*, and would positively swear it, if permitted. It will be hard, and will, I fear, draw an heavy censure upon this Honourable Court, if some time be not allowed.

L. C. J. It cannot be allowed you, for then we must tye up the Jury, and make them fast all the time.

Marshall. You may discharge them of me. L. C. J. We cannot do it now.

Mr. Just. *Pemberton*. There is no reason for it now, for you had time for your Witnesses before. What do you come here to make a great *Harangue* about Witnesses which you had, and did not bring them?

L. C. J. Did you know they would come to prove, to any day?

Marshall. I know they could prove such a day.

L. C. J. Why then were they not here?

Marshall. Pray, my Lord, give me leave. I hope I shall not speak more than is reasonable and just, and then I care not how it succeeds. Every Judge is as much obliged to follow his Conscience, as any formality in Law.

L. C. J. Pray teach your own disciples, don't teach us; You come and talk here what regard we are to have to our own Consciences, as if we did not know that better than any Papist or Priest in the World.

Marshall. I suppose that, and 'tis rational too. And I do suppose that this Bench is infinitely just and merciful, and upon that supposition I plead. Then if there be great reason to believe that I can disprove Mr. *Oates* in his positive Testimony, then there is great reason to believe that I can save my life. And if there be reason to believe I can save my life, I suppose there will be more regard to this, than to any formality of Law. Be pleased to ask him, whether he were not to fetch Witnesses that could attest this.

L. C. J. What can you say?

Sumner, I went down into the Country for Witnesses.

L. C. J. Why did you not bring them up against this time?

Sumner. I had no order for this time.

Marshall. We did not know when we should be tryed.

Cl. of the Peace. My Lord, I did tell the Messenger when the Sessions was.

L. C. J. Did the Officers here acquaint you when the Sessions was.

Sumner, I had order from Capt. *Richardson* at first, I did ask leave to go down to fetch his Witnesses; says Capt. *Richardson*, you have order to do what he shall direct, to provide him his Witnesses; that was for the last, not for this.

L. C. J. How far were the Witnesses off?

Sumner, Threescore miles.

L. C. J.

L. C. J. Why, you have had notice long enough of your Tryals, to get up Witnesses Threescore miles.

Mr. Recorder. *Capt. Richardson*, Did not you tell the Prisoners when their Tryals would be?

Mr. Justice Dolben. They had all notice of the Sessions by the Adjournment, and should have provided for it.

Capt. Richardson. Ever since the last Sessions they have all of them had the permission of any people to come to them in order to the preparing for their Tryals.

L. C. J. As when?

Capt. Richardson As for this Sessions.

L. C. J. First you did know that the Sessions did begin on *Wednesday*; if you had prepared your selves against *Wednesday*, you had been delayed but for two days.

Marshall. But how could I prepare Witnesses for that which I did not know would be testified against me?

L. C. J. Why did you prepare them for the last Tryal? why, had you not the same Witnesses you had then?

Marshall. Because it was upon somewhat he had said upon my taking, that he saw me in *June* and *July*, I did provide Witnesses for it.

Mr. Just. Pemberton. He holds to the very day he said first, and this is but plain trifling.

L. C. J. Truly, if the merit of your Cause be no better than such weak Assertions, your defence is but very poor.

Marshall. But that I humbly offer, is this, Whether you will believe I can have such Witnesses, and therefore stay till they be sent for.

Mr. Justice Dolben. We have no reason to believe you.

Mr. Justice Wyndham We have no reason to believe you, when you have had time to prove it, and have not got them.

L. C. J. Why were they not here now?

Marshall. My Lord, I do give you a double Reason. Then, my Lord, I offer this, that my name is in no List, Paper, nor Narrative that ever was put forth; and if I had been guilty, as he says, would not he have named me amongst the other Conspirators?

L. C. J. No, I think he should not, it would have given you notice, and too much opportunity to have gone away.

Marshall. He gave me leave, when he left me in my bed.

L. C. J. But yet for all that it does not prove your Innocency. All people that are guilty, don't run away for it, for you have abundance of Priest-holes, and hiding-holes. Well, have you any more Witnesses? if you have, call them.

Corker, Call *Alice Broadhead* [but she did not presently appear]; then I desire Mrs. *Eliz. Sheldon* may be called; [who being in the Gallery, answered and came down.]

Marshall, I desire to know whether she knows who is President of the *Benedictine* Monks?

L. C. J. Who is President of the *Benedictines*, Mistress? *Sheldon,* Mr. *Stapleton*.

L. C. J. How many years hath he been?

Sheldon, A great many years, my Lord, to my knowledg *L. C. J.* How many?

Sheldon, Four or five years. *Mr. Recorder,* Where is Dr. *Oates*? call him.

L. C. J. But if he were absent, did not Mr. *Corker* officiate in his place?

Sheldon, Never my Lord.

Corker, Mr. *Stapleton* was actually at *Paris* when I was there, and therefore I could not officiate in his stead; there is another that can testify the same, that is, *Alice Broadhead* [who appeared then]; pray ask her the same question.

L. C. J. Who is President of the *Benedictines*?

Broadhead, Mr. *Stapleton*, I have known him for many years, and there hath not been for a great many years any other.

Corker, Then I do desire that I may observe this, That Mr. *Oates* doth seem to accuse me positively of nothing, but only of consenting to the *Benedictines* Contribution of 6000*l.* which he says they could not do without my leave, because I was their President; but I have brought three Witnesses which say, and are ready to swear, that Mr. *Stapleton* is President, was so these many years, and I never was so in my life.

Mr. Recorder, Here is Dr. *Oates* again now. *But he was not examined.*

L. C. J. Have you done now, all Three?

Sir G. Wakeman, I say, my Lord I find that it was imputed to me, at least as a sin of omission, that when I was before the Council, I did not sufficiently detest, and abominate, and abhor this crime that is laid to my charge. I now detest, abhor, and abominate the fact charged on me. I call God to witness, I never was in any Consultation about it in my life, I never received any Bill for any money upon this account, nor did ever receive any money.

L. C. J. Had not you Two thousand pound.

Sir G. Wakeman, No my Lord, I wish I may never enter into the Kingdom of Heaven, if I received one Farthing for any such thing.

Corker,

Corker. He says, that I was employed in distributing moneys; and I profess before God, I never distributed any money upon such account; all that I had was an Annual Annuity which I gave amongst the poor. I protest before God, I never in my life did deliver or hold it as a matter of faith or commendable Doctrine, That it was lawful for the promoting of the Catholick Religion, to murder the King, or destroy my Country. And I renounce and detest it from the bottom of my soul. And this is all can be expected from a good Christian upon that account; and I hope the Jury will have no prejudice against me for that; and neither Pope or any breathing upon earth can dispence with me from that Obligation.

Marshall. And if no door can be opened for a merciful sentence upon any consideration offered by the living; at the loud crys of the dying, I hope there may; and all the earnest Vows, and all those solemn protestations of Innocency by such as were lately Executed for the crimes we stand here charged with, left behind them as sacred Testimonies of their Loyalty and unviolated faith to the King. And I beg leave to put before the Eyes of this Honourable Court, and this whole Assembly, this Landskip of horror, wherein may be seen those caves of darkness, those baths of glowing sulphur such men must be eternally judged to be condemn'd unto, if what they then spoke had not the characters of the fairest truth sound instamped upon it. Now if a right survey be taken of this Landskip, and it be well observed what these men so solemnly signed and sealed to with their last breath, it must be confessed they either conspired finally to damn their own souls, or were not Conspirators against the King, nor were they guilty of what was charged upon them. Present content, where the enjoyment is like to continue, works with a strong influence upon humane nature, and chains it fast to the present world. But, my Lord, with the approach of death, reformation of Conscience does offer to advance, and we do observe those who have lived a very ill life, frequently to make a good end; but, my Lord, it is a thing scarce ever heard of or known, that those who have lived all their lives well, should die ill. Nor can such as were looked upon while they lived as persons of much integrity, great candor of spirit, and unquestionable truth in all their attestations, dying, should become prophane to blasphemy, become irreligious even to sacrileg, and false even to the worst of Atheism. My Lord, this cannot readily be believed, or easily imagined; nor will be, though it be possible; and yet all that will not believe this, must own an innocency where guilt is so strongly supposed. And if there be great cause to doubt whether those that were lately executed, and were supposed to be leaders in this Conspiracy, were guilty upon the consideration of those solemn dying Protestations they have made to the contrary; I humbly conceive it may be much more rationally doubted, whether others brought in only by the by, as I am, as a Letter-Carrier, and only as Marginal-Notes to the great Conspirators, may not be wholly innocent. Now my Lord, if no credit be to be given to the Protestations of men dying, that have ever been judged sober and just; how can faith be reposed in the testimony of such living persons as know no God nor goodness? And if the reputed just man at the very point of death can be judged rationally false in his Protestations, though death be in his eyes, and hell threatening to ingulph him; may not he, my Lord, who hath owned himself a Villain in print, be thought false in his testimony, while preferment tickles him, rewards march before him, and ambition beckons to him, which he greedily follows, though God and Conscience tell him 'tis unjust.

England is become now a mournful Theater, upon which such a Tragedy is acted, as turns the eyes of all *Europe* toward it; and the blood which hath been already spilt, hath found a Channel to convey it even to the remotest parts of the world. And though it inspires different breasts with different resentments, yet it may speak a language that none who are friends of *England* will be willing to understand. Our present transactions here, are the present discourse and entertainment of foreign Nations; and without all doubt will be chronicled and subjected to the censure of ensuing Ages. Now, my Lord, I have great reason to believe, That not any one of those Honourable persons that now sit Judges over us, would be willing to have their names writ in any Characters, but those of a just moderation, of a profound integrity, of an impartial Justice, and of a gracious clemency. And though we would not be all thought to be well-wishers to the *Roman* Catholick Religion, yet we would be all thought friends to Religion; and though we exclaim against Idolatry and new principles of faith, yet we all stand up for old Christianity; whereas if the testimony of living-impiety be applauded and admitted of, and the cries of dying-honesty scoffed at and rejected, what will become of old Christianity? And if any voice, cry, or protestation of dying men may pass for truth, and obtain belief, where is now our new Conspiracy? The question now seems to come to this, the belief of Christianity now in *Roman* Catholicks, and the appearance of their innocency, are so fast linked together by those solemn Vows and Protestations of their innocency made by the late Executed Persons, that no man can take up arms against the latter, but must proclaim war against the former. Nor can our innocency bleed, but our Christianity must needs by the same dart be wounded. Nor can any Tutelar hand stretch it self forth

L.C.J. North.

L. C. J. North. You speak *ad faciendum populum*, and should not be interrupted, but only I think you lash out a little too much.

Marshall. I speak this to add the testimony and solemn vows of the dying to what we say living for our own defence. And I desired they may be put in both together, and weighed in the scales of an impartial Judgement. Now my Lord, I say, the Question seems not so much whether Roman Catholicks are Conspirators, as whether indeed they be Christians. Nor is it the great doubt now whether they designed to kill the King, but whether they believe there is a God. For whoever grants this last, the belief of a God, of a Heaven, and an Hell, and considers what asseverations they made at their death, what solemn protestations they insisted upon, does with the self same breath proclaim them innocent.

Mr. Just. Pemberton. But Mr. *Marshall*, will you go on to affront the Court in this manner, to vouch for the truth of their speeches which they made at the Gallows, and affirm them innocent after they have been found Guilty, and executed according to Law?

Marshall. My Lord, I do not avouch them innocent, I only desire there may be consideration had, and that the words of such dying men may be thought of. If they did believe a God and a Judgement-seat that they were going to, could they be innocent and Christians too?

L. C. J. I was loth to interrupt you because you are upon your lives, and because 'tis fit you should have as much Indulgence as can be allowed. Your defence hath been very mean I tell you before-hand; your cause looked much better before you spoke a word in your own defence, so wisely have you managed it.

Mr. Recorder. But really for your particular part Mr. *Marshall*, you abound too much in your flowers of Rhetorick which are all to no purpose. *Marshall.* I hoped it would be no offence to insist —

L. C. J. But I will tell you, and I'll be heard as well as you, Sir; Because of the Protestations of these men, which you make so much a stir about. If you had a Religion that deserved the name of a Religion, if you were not made up of Equivocation and lying, if you had not Indulgences and Dispensations for it, if to kill Kings might not be meritorious, if this were not printed and owned, if your Popes and all your great men had not avowed this, you had said something; but if you can have absolutions either for money or because you have advanced the Catholick Cause, as you call it, and can be made Saints as *Coleman* is supposed to be, there is an end of all your Arguments. There is a God, you say, and you think we shall go to that God because he hath given us the power, we can let our selves in and turn the Key upon Hereticks. So that if they kill a King, and do all the wickedness they can devise, they shall go to heaven at last: for you have a trick, either you can directly pardon the killing of a King, or if you excommunicate him he is no King, and so you may kill him if it be for the advancement of Religion. But it will be in vain for you or any Priest in *England* to deny this, because we know you Print it and publickly own it, and no body was ever yet punished for any such Doctrine as this. Therefore all your doings being accompanied with such equivocations and arts as your Religion is made up of, 'tis not any of your Rhetorick can make you be believed, I do believe it is possible for an Atheist to be a Papist, but 'tis hardly possible for a knowing Christian to be a Christian and a Papist. 'Tis hardly possible for any man of understanding, setting aside the prejudices of Education, to be a Papist and a true Christian, because your doctrines do contradict the foundations of Christianity. Your doctrine is a doctrine of blood and cruelty,

Christs Doctrine is a Law of mercy, simplicity, gentleness, meekness and obedience; but you have nothing but all the Pride that ever a Pope can usurp over Princes: and you are fill'd with pride, and mad till you come again into the possession of the Tyranny which you once exercised here: in so much that 'tis strange to me, but that Princes abroad think you more conducing to their politick interest, else sure they could not endure such Spiritual Tyranny to Lord it over their Souls and their Dominions. Therefore never bragg of your Religion, for it is a foul one, and so contrary to Christ; that 'tis easier to believe any thing, than to believe an understanding man may be a Papist. Well Sir, if you have any more to say, speak it. You have provoked me to this; and indeed I ought to do it, because you have so much reflected on the Justice of the Court: but if you have any thing to say in your defence, speak it, or to your own particular Case. As for your Religion, we know what it is, and what merciful men you are: and if we look into the bottom of you, we know what you were ever since *Queen Maries* dayes: and if we look into the Gunpowder Treason, we know how honest you are in your Oaths, and what truth there is in your Words, and that to blow up King, Lords and Commons, is with you a merciful act, and a sign of a candid Religion; but that is all a story with you: for it is easier for you to believe that a Saint after her head is cut off, did go three miles with her head in her hand to the place where she would be buried, than that there was a Gunpowder Treason. (*At which the people gave a shout.*)

L. C. J. North. You must not meddle any more with the Speeches of those that dyed.

Marshall. I did not intend, my Lord, to call any thing of Justice in question.

L. C. J. What do you think we will be imposed upon in this manner? Perhaps you have tricks enough to gull your own party, but you have not to deceive Protestants; they can look through all your arts; nay, I never saw such men of weak parts, as your Priests generally are; so that I wonder, you should have any Disciples, but silly women, or men without learning.

Marshall. If we were guilty of this Conspiracy, we should gull only our selves.

L. C. J. Go you on with one Harangue, I warrant you I will give you another; you shall not be hindred to say any thing that is pertinent: but this is not at all so. We have a Bench of Aldermen have more wit than your Conclave, and a Lord Mayor, that is as infallible as your Pope. Have you any thing more to say for your selves?

Marshall. 'Tis not proper to contradict your Lordship, but 'tis a wonder you should know our Religion better than our selves; for I know not of any such Doctrines owned amongst us.

L. C. J. No! then I believe you have not read your own Books; I suppose that your business is not now to read, but to seduce silly women, or weaker men. What, do'nt you publish them all over the world? Is there any *Index expurgatorius*, into which you have put these doctrines? Surely you know not any thing, if you know not this.

L. C. J. North. If you have any thing more to say in the proper defence of your tryal, pray speak it now.

Corker. As to those damnable Doctrines, we profess our selves innocent of them. I desire that the Jury may not go upon such a prejudice, that I entertain such principles of Religion, as matters of my faith. They are horrid Crimes, I protest against them, and own them not. I desire the Jury to take notice of it.

Marshall.

Marshall. I have this further to offer to your Lordship, that Mr. *Bedloe* owned before the Lords, that he knew no more to be guilty than he had declared, and among all those I am not named; and this was a Month or six weeks before I was taken. *Mr. Justice Pemberton.* There is no such thing at all proved here, or given in Evidence, and therefore why do you insist upon it?

Marshall. In this I appeal to the knowledge of your Lordship: and if you know it, I hope you will be pleased to acquaint the Jury with it.

L.C.J. I do not know for my own particular what Answer was made; I was not in the house, nor do I know it. *Judges.* None of us know it. *Marshall.* I desire the worthy Jury to take notice, that among all the persons named, there is no such Name mentioned as mine. *Mr. Just. Pemberton.* There is no such thing proved here. *Marshall.* They deny all the Lords Records. *L.C.J.* Well, have you done? Look you Gentlemen of the Jury—*Marshall.* I desire but one word: these things I have insisted upon as far as I can for my self; but the main matter I rely'd upon, was, that Mr. *Oates* did not know me, neither as to my Calling, conversation, words nor actions. He can bring no person, man nor woman, that ever saw him in my company, nor took notice of our meeting together, nor *Bedloe* neither; he can name no place where he saw me, none but the *Savoy*, against which no proof can be found. And then at the searching of the House, I desire the Jury to take notice, that at that time he disowned us, and said he did not know us. A sufficient rational cause cannot be given, why he should say now he knows me, and did not then take me.

Mr. Just. Pemberton. You have said all this before. *Marshall.* Then my Lord, for a Conclusion, I have been told, and I will only desire the Jury to take notice of it, that every Jury that finds a man Guilty of death upon the testimony of Witnesses that come in against him, do take it solemnly upon their Consciences, that what such Witnesses swear, is true. *L.C.J.* That they believe they swear true: for we have no Infallibility with us: 'Tis one thing to say 'tis true, and another thing to say we believe it is true. Look you, the Jury may give a Verdict that is false, and yet go according to their Consciences. Do you understand that, Priest? *Mr. Just. Pemb.* You need not teach the Jury what they are to do. *Marshall.* But considering in case an Oath be false, and the Jury have reason to doubt what the Prisoners say in their own defence upon what they hear or have learnt of their own knowledge, If they find such doubt grounded upon that double matter, then they are in great danger to bring the fault to their own doors, and make the crime of perjury their own.

Mr. Just. Pemb. What do you go over things again and again? *L.C.J.* All this signifies but little, if you had Popery here, you would get but little by it. We should hardly part with our *Peter pence* for all your speeches. We all know what things are, 'tis not a parcel of words patcht thus together will do your business. *Marshall.* I wish all thoughts were as open fac'd as ours are.

L.C.J. Look you Gentlemen of the Jury, here are four Prisoners; as to one of them, that is *Rumley*, the truth of it is, there is but one Witness against him; and by the Law there ought to be two; so I cannot say, but you ought to discharge him: we do not find, that there is testimony sufficient according to the Law to condemn him, and therefore you ought to acquit him. As to the rest, here is *Sr. George Wakeman*, *Mr. Corker*, and *Mr. Marshall*; there hath been two sorts of Evidence given, I will repeat them as well as I can, and as short as I can. There hath been a general Evidence, and a particular Evidence: there was a general Evidence given by *Mr. Dugdale* of the Plot in general, and by *Mr. Prance*, and something of intimation by *Mr. Jennison*. These of *Dugdale*, *Prance* and *Jennison* do not mention so much as the names of the three Gentlemen that are upon their lives; but I'll tell you why it was necessary, and answers a great Objection that they seem to make: for you are to believe men, say they, and to believe men upon probable Circumstances, something to guide you

you besides the positiveness of an Oath, and that is well enough said. Now here is something besides, and that is the Plot; that there was a Conspiracy to introduce Popery by the likeliest means, which was to kill the King; and that such people as these men were to do it. Now that there was such a general design to do it, is a Circumstantial Evidence (as to these men, I call it so.) And these are Circumstances which may answer the Objection they make, when they say, you are not to give credit to positive Oaths, without any thing to govern you by; for you have this to govern you by besides the Oath that there was a Plot.

The Testimony of Mr. *Jennison* does go more particularly to the business of *Ireland*, which I would observe by the way for the sake of that Gentleman that stands so much upon the innocency of those men, and would have them to be believed upon their own assertions, because he says they dare not dye with a Lye in their mouths. I believe it is notorious enough, Mr. *Jennison* that comes here is a man of Quality, and one against whom there is no objection, and he is justified by one or two more. He says he saw Mr. *Ireland* the 19th of *August*, when he to his death took upon him to averr he was then in *Staffordshire*, and brought several of his own Religion who would outface it to the Court that he kept them company so many days and was in the Countrey all the while. There was a Maid before this that came and testified that she saw *Ireland*, and saw him at his own door in *August*, but this Gentleman comes and proves it upon him more particularly, and tells you when, the day of the week and of the month that he was with him at his own Lodging, that night he came from *Windsor*, that he was pulling off his Boots, and pretended to come Post from *Staffordshire*, and so that he was in *Staffordshire* is true, because he came thence Post, but he hath always constantly deny'd that he was here, and that may serve for the integrity even of their dying Oaths. And you are not going according to your own doctrine so immediately to hell, I hope you suppose a Purgatory where you may be purged from such Peccadillos as this of dying with a Lye in your Mouths.

As for the testimony of the particular evidence, first against Sr. *George Wakeman* Mr. *Oates* says, he saw a Letter subscribed *George Wakeman*, and it was writ to Mr. *Ashby*, and therein among other expressions was this particular, That the Queen would assist him to kill the King. He was asked how he knew it was his hand, he said he had never seen his hand before, but afterwards he saw him writing, (as he thinks writing) in a writing posture, and there he looked upon that Paper when he was gone from it while it was wet, and that Character to his thinking was just the Character of the Letter. Now I must observe this to you. First, supposing it to be true, yet it is somewhat hard for a man that had never known a mans hand in his life, to see a hand to day, and sometime after to come and see his hand to a Bill of Physick, and to recollect the character so much backward as to know this is that or that mans hand that I saw before. 'Tis one thing to know hands we are used to, but 'tis another thing if we see a hand that we never saw before in our lives, and then by reflection at another time, and by comparison of hands to say this is the same, that is hard, but that is supposing it to be true. Sir *George Wakeman*, as all people will that are accused, does deny the fact, and says there was no such thing. Against him besides he says he saw in a Book that the Jesuite Priests kept among them of their transactions and affairs, he saw in *Harcourts* Chamber a Book wherein was written, *This day* (and there was a certain day in *August* named, but he cannot tell what day) (*This day*) agreed with Sir G. W. for 15000 l. to which he consented, and under was written, *Received 5000 l. part of 15000 l. by Order of Mr. Coleman, George Wakeman*. This he says he saw, and he believes that to be the very same hand that he saw before, so it is by a comparison of hands. He does not charge Sir *George Wakeman*, to the best of my memory, with any positive thing of his own knowledge more than as I te'll you of this matter.

Sir R^s. *Sawyer*.

George
Oates
George
Oates

Sir Rob. Sawyer. Yes my Lord, he says he saw his Commission.

Lord Ch. Just. Indeed he does say he saw a Commission in his hands to be Physician General of the Army that was to be raised. And that he denied 10000*l*, and would have 15. The truth I leave with you Gentlemen. Look you Gent. we will shew our selves what we ought to do, let them be as they will; we would not to prevent all their Plots (let them be as big as they can make them) shed one drop of Innocent Blood. Therefore I would have you in all these Gentlemens Cases consider seriously, and weigh truly the Circumstances, and the Probability of things charged upon them. There is an additional Evidence against *Sir George Wakeman* by *Bedloe*: He says he saw him have a Note for 2000*l*. which was said came from the Queen, there were discourses of Doubtfull Words, but whether they be plain enough to satisfy your Consciences, when men are upon their Lives, I leave to you. That *Sir George Wakeman* should say, *Are you ready for me, why am I dril'd on thus in a matter of this concern.* This he would have to imply the Poisoning of the King, but there is but one thing that sounds any thing plain to the matter, and that was this said he, if they miss (speaking of Killing the King) if they miss at *Windsor*, and you miss your Way, then it shall be done at *New-Market*. This he did swear directly, and then *Sir George Wakeman* repli'd he would be ready. Now if you believe this, then there are two Witnesses against *Sir George Wakeman*, for the matter of the Bill alone would do nothing. but when he says he saw such a Bill it must be for something, and if he did say so, if they miss Killing him at *Windsor*, and you miss your way, we will do it at *New-Market*, and he replied, I will be ready, *the thing is made plain*; I leave it to you, and this is all the Evidence against *Sir George Wakeman* as I remember. I hope my Brothers if they remember more will repeat it to you. I cannot undertake to repeat every word, I remember so much as is material, and my Brothers I hope will help me out in what they have better observed.

As to *Mr. Corker*, *Oates* says that he saw a Letter under his hand, that is, his name I suppose was to it, wherein he consented to the raising the 6000*l*. which was to be raised out of the *Benedictines* Estates, and was in order to the Carrying on of this Plot. I do not find that he does prove that he did know *Mr. Corkers* Hand. And he says of him further, he was their President, and so it was necessary to have his consent for the raising the 6000*l*, and particularly he says, that he did except against *Pickering's* being designed for the Murdering of the King; for said he, he is a man that waits at the Altar, and methinks you should choose some fitter Person. For that, says *Mr. Corker*, which he says, that I was President, I was not President, and he makes it necessary for me to set my hand, because I being President it was supposed it could not be done without me, and *Dr. Oates* does intend such a thing by his inforcing of it too: but he does produce to you two or three Witnesses that do say *Mr. Stapleton* hath been President for 4 or 5 years; and said he, if I were not President, what needs all this ado about my Consent; so he contradicts him in that particular that he was not President, and it is not only a bare immaterial thing, because his being President made his hand more necessary to the raising the 6000*l*. And for that matter of his saying that he did except against *Pickering*, and they might have chose another, he does not charge him to be actually at the Consultation, but he says he knew of it, because he said *Pickering* was not a fit man to do it. And he said they had
Y
better

better choose a Lay-man. He proves no fact but only these words. And Mr. *Bedloe*, he speaks against him, and what he says is rather less then what *Oates* says. For tis that he talked with *Le Fevre* the Priest about the Plot in general words. It may be, he was talking with some body else, and yet he could hear that they talked together in general about it, that is all against him.

Against Mr. *Marshall* tis rather less then against *Corker*, that is, that he did consent to the 6000*l.* that should be raised among the *Benedictines*, he being a *Benedictine* too, and that he took exceptions against *Pickering* as *Corker* did, that it was not convenient to employ him in Killing the King. And this is that *Oates* says, and that he was a Carrier of Letters up and down, and a Factor that way. And *Bedloe* says, that he knew that he carried Letters, and was at the Consult where they were read and answered, and when they asked him where, he said at the *Benedictine* Convent in the *Savoy*. And names in particular a Letter to Sir *Francis Radcliffe*, and that there was a discourse concerning the Plot in his hearing.

They say for themselves, they cannot answer any more then by Circumstances, tis a very strange thing, if Dr. *Oates* knew this of us, why did not he take us before? And says Sir *George Wakeman*, why did not he accuse me of this Letter that he talks of before the King and Council. He makes an Answer which to me indeed is a very faint one, as if he were so weak and tired that he could not speak any word farther. When the Council asked Sir *George Wakeman* what he had to say for himself, and he behaved himself ruggedly, they call for *Oates* again; what, said they, do you know any thing of your own knowledge? No said he, God forbid, I know nothing more as Sir *Philip Lloyd* says, and as the matter speaks: for if he had charged him that he had seen that Letter, the Lords would infallibly have committed him. If he had but said, I saw a Letter with his Name to it, which by the Character I believe was his, because I saw his writing elsewhere. And tis wonderfull to me, I don't know, if a man be never so faint, could not he say, I saw a Letter under his hand, as well as I knew nothing more of him, there are as few words in one, as in the other. If he had said I beg your Lorships or his Majesties Pardon, I am so weak I cannot recollect my self, it had been something, but to make a great Protestation that he knew nothing of him. This is that that is said by Sir *Philip Lloyd* on his behalf.

These other Gent. say, that *Oates* did not know them, and the Woman does say that she did tell them when they came to search, that *Corker* and *Marshall* were there, and Dr. *Oates* and they said, they had nothing to do with any but *Pickering*. They make answer now and say, that they had no Commission to take any but him. But tis strange indeed if they were there, and they did see them, that they did not apprehend them. For what defence they make about what talk was had at the *Gate-house*, tis all contradicted by Sir *William Waller*. And indeed if it were possible, they have almost undone themselves in their own Defences, by making weak Observations and insisting upon Trivial things; improper for the Court to hear, and impertinent for them to urge. But I deal faithfully with you, I will discharge my own Conscience to you. It lies upon the Oaths of these two men. Tho there was a Plot in general proved, yet that does not affect these men in particular, but was only used to answer that Objection, that it should not be believed upon positive Swearing, hand over head, without something else. Here was something else, the Plot in general:

general, and their being Priests is another Circumstance to me, who are mad to bring in Popery, and would do any thing to get their Tyranny again established amongst us. And there is more then probable Evidence of that I assure you.

Sir *Tho. Doleman* did indeed say *Mr. Oates* was very weak, so that he was in great Confusion, and scarce able to stand, weigh it with you how you it will, but to me tis no answer. I tell you plainly, I think, a man could not be so weak, but he could have said he saw a Letter under his hand. It was as short as he could make an answer, and tis strange that he should go and make Protestation that he knew nothing. And so I pray you weigh it well, let us not be so amazed and frightened with the noise of Plots, as to take away any mans Life without any reasonable Evidence. If you are satisfied with the Oaths of these two Men so, I have observed to you what Objections they make for themselves, and those objections are material: what Sir *George Wakeman* says about his not Accusing him before the Council, and what these men say that he did not apprehend them. And tis very strange they should have so little knowledge, and so little Acquaintance with *Oates* and *Bedloe*, and so great a matter as they speak should be true. And tis well enough observed that he was a begging there; tis very much that such a man should know of such a great Design on Foot, and they should use him in that manner. These are the things that I remember worthy of your Consideration. These mens Bloods are at stake, and your Souls and mine, and our Oaths and Consciences are at stake. And therefore never care what the World says, follow your Consciences; If you are satisfied these men swear true, you will do well to find them Guilty, and they deserve to die for it. If you are unsatisfied upon these things put together, and they do weigh with you that they have not said true, you will do well to acquit them.

Mr. Bedloe. My Lord, my Evidence is not right sum'd up.

Lord Ch. Just. I know not by what Authority this man speaks.

Cl. of Cr. Make way for the Jury there, who keeps the Jury?

Then an Officer was sworn to keep the Jury, the Judges went off the Bench, leaving Mr. Recorder and some Justices to take the Verdict. And after, about an Hours space the Jury returned, and the Foreman coming up to the Table, spoke thus to Mr. Recorder.

Foreman. Sir, The Gentlemen of the Jury desire to know, whether they may not find the Prisoners guilty of Misprision of Treason.

Mr. Recorder. No, you must either convict them of High Treason, or acquit them.

Foreman. Then take a Verdict.

Cl. of Cr. Gentlemen, answer to your Names, *Ralph Hawtrey*.

Mr. Hawtrey. Here, &c.

Cl. of Cr. Gentlemen, are you all agreed of your Verdict?

Omnes. Yes.

Cl. of Cr. Who shall say for you?

Omnes. Foreman.

Cl. of Cr.

Cl. of Cr. Sir George Wakeman hold up thy hand (which he did.) Look upon the Prisoner, how say you? Is he Guilty of the High Treason whereof he stands Indicted, or not Guilty?

Foreman. Not Guilty.

Capt. Richardson. Down on your Knees.

Sir George Wakeman. God bless the King, and the Honourable Bench. And in like manner were the other Three acquitted.

Then after the Verdict Recorded, the Court did Adjourn till 5 in the Afternoon.

F I N I S.

Advertisements.

W Hereas in the Trial of the Five Jesuits, P. 33. Line 31. mention is made of Pickering, and Grove's, going with Coniers to Newmarket; these are to give notice that that is a mistake, and their Names are to be left out.

A Nd whereas one Mr. Lydcot, a Witness in this Trial, P. 56. is in P. 39. of Mr. Langhorns Trial, named as one of the St. Omers Witnesses; these are to give notice that it was a mistake, occasioned by Mr. Lydcots being then called, but not appearing presently, and the Person who gave that Evidence, was not named.

Cl. of Cr. Sir George Wakeman hold up thy hand (which he did.) Look upon the Prisoner, how say you? Is he Guilty of the High Treason whereof he stands Indicted, or not Guilty?

Foreman. Not Guilty.

Capt. Richardson. Down on your Knees.

Sir George Wakeman. God bless the King, and the Honourable Bench. And in like manner were the other Three acquitted.

Then after the Verdict Recorded, the Court did Adjourn till 5 in the Afternoon.

F I N I S.

Advertisements.

W Hereas in the Trial of the Five Jesuits, P. 33. Line 31. mention is made of Pickering, and Grove's, going with Coniers to Newmarket; these are to give notice that that is a mistake, and their Names are to be left out.

A Nd whereas one Mr. Lydcot, a Witness in this Trial, P. 56. is in P. 39. of Mr. Langhorns Trial, named as one of the St. Omers Witnesses; these are to give notice that it was a mistake, occasioned by Mr. Lydcots being then called, but not appearing presently, and the Person who gave that Evidence, was not named.

Cl. of Cr. Sir George Wakeman hold up thy hand (which he did.) Look upon the Prisoner, how say you? Is he Guilty of the High Treason whereof he stands Indicted, or not Guilty?

Foreman. Not Guilty.

Capt. Richardson. Down on your Knees.

Sir George Wakeman. God bless the King, and the Honourable Bench. And in like manner were the other Three acquitted.

Then after the Verdict Recorded, the Court did Adjourn till 5 in the Afternoon.

F I N I S.

Advertisements.

W Hereas in the Trial of the Five Jesuits, P. 33. Line 31. mention is made of Pickering, and Grove's, going with Coniers to New-market; these are to give notice that that is a mistake, and their Names are to be left out.

A Nd whereas one Mr. Lydcot, a Witness in this Trial, P. 56. is in P. 39. of Mr. Langhorns Trial, named as one of the St. Omers Witnesses; these are to give notice that it was a mistake, occasioned by Mr. Lydcots being then called, but not appearing presently, and the Person who gave that Evidence, was not named.

Cl. of Cr. Sir George Wakeman hold up thy hand (which he did.) Look upon the Prisoner, how say you ? Is he Guilty of the High Treason whereof he stands Indicted, or not Guilty ?

Foreman. Not Guilty.

Capt. Richardson. Down on your Knees.

Sir George Wakeman. God bless the King, and the Honourable Bench. And in like manner were the other Three acquitted.

Then after the Verdict Recorded, the Court did Adjourn till 5 in the Afternoon.

F I N I S.

Advertisements.

W Hereas in the Trial of the Five Jesuits, P. 33. Line 31. mention is made of Pickering, and Grove's, going with Coniers to Newmarket ; these are to give notice that that is a mistake, and their Names are to be left out.

A Nd whereas one Mr. Lydcot, a Witness in this Trial, P. 56. is in P. 39. of Mr. Langhorns Trial, named as one of the St. Omers Witnesses ; these are to give notice that it was a mistake, occasioned by Mr. Lydcots being then called, but not appearing presently, and the Person who gave that Evidence, was not named.

The tryals of Sir George Wakeman barronet, William Marshall, William
Rumley, and James Corker, Benedictine monks

London 1679

Res/2 Brit. 70#Beibd.15

urn:nbn:de:bvb:12-bsb10865747-6